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THE
CONSOLIDATED MUNICIPAL ACT,

1883.

WITH INDEX,

BY
GEORGE BELL,
OF OSGOODE HALL, BARRISTER-AT-LAW.

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THOROLD IS ALL TORN UP.

"Laming — News"

The Trouble Over the Salary of Clerk

Toronto W. T. Fish.

28 May — 1894

The Mayor Resigns—Hissing and Jeering.

Special to the News.

Thorold, May 26.—Never before in the history of Thorold has this town been in such a fever heat as at present, and all over the question of the salary of Clerk W. T. Fish. At the last meeting of the Council a resolution was presented by Councillor Walton, a Government employe, and Mr. Fraser, a Catholic, calling for the dismissal of the Town Clerk, and this simply because they could not get the salary reduced from \$400 to \$250 per annum, though by the way the sum of \$300 would have proved satisfactory to all concerned.

Before a vote was called for on the motion Mr. Simson, a prominent merchant, presented a petition signed by the leading ratepayers and calling on the Council to retain the clerk in office.

Some Red Hot Language.

A hot discussion followed and the mover and seconder were hissed and jeered at by the spectators. The action of the two was described as "cowardly" and a "stab in the back." The Mayor stated that the seconder was "crazy on the subject and neglecting his business to cut another man's salary down, while Walton would kick like a steer if the handsome salary paid him by the Government for his work on the canal was cut 10 or 15 per cent."

Hot words followed, and it resulted in the Mayor being voted out of the chair and the resolution carried. The Mayor then addressed the audience and ended by handing in his resignation to the councillor in the chair. He was followed in this action by Councillors Rye and Wilson, but none were accepted, though they will be insisted upon.

To Submit it to the People.

A ratepayers' meeting has been called to call on the other Councillors to resign and submit the matter to the people by a fresh election, but it is not likely that Walton and Fraser will resign.

The latter two are acting under the advice of Town Solicitor Fasey, who recently stated that he was willing to accept the position at \$250.

In the meantime the Clerk has been called upon to deliver up his books and papers, but he declines to do so on the ground that he was appointed by by-law and cannot be dismissed on a majority resolution.

AN ACT
TO CONSOLIDATE THE
ACTS RESPECTING MUNICIPAL INSTITUTIONS

[Assented to 1st February, 1883].

PRELIMINARY, ss. 1, 2.

PART I.—MUNICIPAL ORGANIZATION.

Title I. Incorporation, ss. 3-8.

II. New Corporations.

- Division* I. Villages, ss. 9-16.
" II. Towns and Cities, ss. 17-26.
" III. Townships, ss. 27-34.
" IV. Counties, ss. 35-37.
" V. Provisional County Corporations, ss. 38-52.
" VI. Matters Consequent upon the formation of New Corporations, ss. 53-63.

PART II.—MUNICIPAL COUNCILS, HOW COMPOSED.

Title I. The Members.

- Division* I. In Counties, ss. 64-67.
" II. In Cities, s. 68.
" III. In Towns, s. 69.
" IV. In Incorporated Villages, s. 70.
" V. In Townships, s. 71.
" VI. In Provisional Corporations, s. 72.

Title II. Qualification, Disqualification and Exemptions.

- Division* I. Qualification, ss. 73-76.
" II. Disqualification, s. 77.
" III. Exemptions, s. 78.

PART III.—MUNICIPAL ELECTIONS.

Title I. Electors.

- Division* I. Qualification, ss. 79-87.

Title II. Elections.

- Division* I. Time and place of holding, ss. 88-96.
" II. Returning Officers and Deputy Returning Officers, ss. 97-101.
" III. Oaths, ss. 102-106.
" IV. Proceedings Preliminary to the Poll, ss. 107-140.
" V. The Poll, ss. 141-160.
" VI. Miscellaneous Provisions, ss. 161-175.
" VII. Vacancies in Council, ss. 176-184.
" VIII. Controverted Elections, ss. 185-206.
" IX. Prevention of Corrupt practices, ss. 207-220.

PART IV.—MEETINGS OF MUNICIPAL COUNCILS.

- Division* I. When and where held, ss. 221-230.
" II. Conduct of business, ss. 231-240.

PART

PART V.—OFFICERS OF MUNICIPAL CORPORATIONS.

- Division* I. The Head, ss. 241, 242.
 " II. The Clerk, ss. 243-251.
 " III. The Treasurer, ss. 252-255.
 " IV. Assessors and Collectors, ss. 256-259.
 " V. Auditors and Audit, ss. 260-270.
 " VI. Valuers, s. 271.
 " VII. Duties of Officers as to Oaths, &c., ss. 272-279.
 " VIII. Salaries, Tenure of Office, and Security, ss. 280-283.

PART VI.—GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

Title I. General Jurisdiction of Councils.

- Division* I. Nature and extent, ss. 284-288.

Title II. Respecting By-Laws.

- Division* I. Authentication of, ss. 289-291.
 " II. Objections by Ratepayers, ss. 292, 293.
 " III. Voting on by Electors, ss. 294-330.
 " IV. Confirmation of, ss. 331-333.
 " V. Quashing, ss. 334-341.
 " VI. By-laws creating Debts, ss. 342-358.
 " VII. By-laws respecting Yearly Rates, ss. 359-370.
 " VIII. Anticipatory appropriations, ss. 371-373.

Title III. Respecting Finances.

- Division* I. Accounts and Investments, ss. 374-384.
 " II. Commission of Enquiry into Finances, ss. 385, 386.

Title IV. Arbitrations.

- Division* I. Appointment of Arbitrators, ss. 387-398.
 " II. Procedure, ss. 399-405.

*Title V. Debentures and other Instruments, ss. 406-415.**Title VI. Administration of Justice and Judicial Proceedings.*

- Division* I. Justices of the Peace, ss. 416-420.
 " II. Penalties, ss. 421-424.
 " III. Witnesses and Jurors, ss. 425-427.
 " IV. Convictions under By-laws, s. 428.
 " V. Execution against Municipal Corporations, ss. 429, 430.
 " VI. Tender of amends, s. 431.
 " VII. Contracts void alike in Law and Equity, s. 432.
 " VIII. Police Office and Police Magistrate, ss. 433, 434.
 " IX. Board of Commissioners of Police and Police Force in Cities and Towns, ss. 435-450.
 " X. Court-houses, Gaols, &c., ss. 451-479.
 " XI. Investigation as to Municipal Officers and Governments, s. 480.
 " XII. When Mayor may call out *posse comitatus*, s. 481.

PART VII.—POWERS OF MUNICIPAL COUNCILS.

Title I. Powers Generally.

- Division* I. Counties, Townships, Cities, Towns, and Incorporated Villages, ss. 482-489.
 " II. Townships, Cities, Towns, and Incorporated Villages, ss. 490-493.
 " III. Counties and Cities, s. 494.
 " IV. Counties, Cities, Sep. Towns, s. 495.
 " V. Cities, Towns, and Incorporated Villages, ss. 496-508.

Division

Division VI. Cities, Towns, ss. 504-508.

" VII. Townships, Towns and Villages, s. 509.

" VIII. Towns and Incorporated Villages, s. 510.

" IX. Counties, ss. 511-520.

" X. Townships, ss. 521-523.

Title II. Powers as to Highways and Bridges.

Division I. General Provisions, ss. 524-549.

" II. Counties, Townships, Cities, Towns, and Incorporated Villages, ss. 550-554.

" III. Townships, Cities, Towns, and Incorporated Villages, ss. 555-564.

" IV. Counties, s. 565.

" V. Townships, ss. 566-569.

Title III. Powers as to Drainage and other Improvements paid for by Local Rates.

Division I. Townships, Cities, Towns, and Villages, ss. 570-611.

" II. Cities, Towns, and Incorporated Villages, ss. 612-624.

" III. Counties, ss. 625-627.

Title IV. Powers as to Railways, ss. 628-631.

PART VIII.—POLICE VILLAGES.

Division I. Formation of, ss. 632, 633.

" II. Trustees, and Election of, ss. 634-654.

" III. Duties of Police Trustees, ss. 655-665.

CONFIRMING AND SAVING CLAUSES, ss. 666-668.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PRELIMINARY.

1. This Act may be cited as "*The Consolidated Municipal Act, 1883.*" — *also the "Municipal Amendment Act of 1882" — cap 32 — and subsequent Acts*

2. Unless otherwise declared or indicated by the context, Interpretation wherever any of the following words occur in this Act, they of words shall have the meanings hereinafter expressed, namely:

- (1) "Municipality," shall mean any locality the inhabitants of which are incorporated or are continued, or become municipality." so under this Act;
- (2) "Local Municipality," shall mean a City, Town, Township, or incorporated Village; "Local municipality."
- (3) "Council," shall mean the Municipal Council or Provisional Municipal Council, as the case may be; "Council."
- (4) "County," shall mean County, Union of Counties or United Counties, or Provisional County, as the case may be; "County."
(5)

- "Township." (5) "Township," shall mean Township, Union of Townships, or United Townships, as the case may be ;
- "County Town." (6) "County Town," shall mean the City, Town or Village in which the Assizes for the County are held ;
- "Land," "Real estate," "Real property." (7) "Land," "Lands," "Real Estate," "Real Property," shall, respectively, include lands, tenements and hereditaments, and all rights thereto and interests therein ;
- "Highway," "Road," "Bridge." (8) "Highway," "Road," or "Bridge," shall mean a Public Highway, Road, or Bridge, respectively ;
- "Electors." (9) "Electors," shall mean the persons entitled for the time being to vote at any municipal election, or in respect of any by-law, in the Municipality, Ward, Polling Sub-division, or Police Village, as the case may be ;
- "Reeve." (10) "Reeve," shall include the Deputy Reeve or Deputy Reeves, where there is a Deputy Reeve for the Municipality, except in so far as respects the office of a Justice of the Peace ;
- "Next day." (11) The words "next day" shall not apply to, or include Sunday or Statutory Holidays. R. S. O. c. 174, s. 2. (36 V. c. 48, s. 1 ; 40 V. c. 8, s. 46.)

PART I.

OF MUNICIPAL ORGANIZATION.

TITLE I.—INCORPORATION.

TITLE II.—NEW CORPORATIONS.

TITLE I.—INCORPORATION.—Secs. 3-8.

Existing
municipal
corporations
continued.

3. The inhabitants of every County, City, Town, Village, Township, Union of Counties, and Union of Townships incorporated at the time this Act takes effect, shall continue to be a body corporate, with the municipal boundaries of every such Corporation respectively then established. R. S. O. c. 174, s. 3. (36 V. c. 48, s. 2.)

Heads, officers,
by-laws, con-
tracts, etc.,
continued.

4. The head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of every Municipal Corporation, when this Act takes effect, shall be deemed the head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of such Corporation, as continued under and subject to the provisions of this Act. R. S. O. c. 174, s. 4. (36 V. c. 48, s. 3.)

5.

5. The name of every body corporate (not being a provisional corporation) continued, or erected under this Act, shall be "The Corporation of the County, City, Town, Village, Township, or United Counties, or United Townships, (as the case may be) of" (naming the same). R. S. O. c. 174, s. 5. (36 V. c. 48, s. 4.)

Names of
municipal
corporations.

6. The inhabitants of every Junior County, upon a Provisional Council being or having been appointed for the County, shall be a body corporate under the name of "The Provisional Corporation of the County of" (naming it). R. S. O. c. 174, s. 6. (36 V. c. 48, s. 5.)

Names of
provisional
corporations.

7. The inhabitants of every County, or Union of Counties erected by proclamation into an independent County or Union of Counties, and of every Township or Union of Townships, erected into an independent Township or Union of Townships, and of every locality erected into a City, Town, or incorporated Village, and of every County or Township separated from any incorporated Union of Counties or Townships, and of every County or Township, or of the Counties or Townships, if more than one, remaining of the Union after the separation, being so erected or separated after this Act takes effect, shall be a body corporate under this Act. R. S. O. c. 174, s. 7. (36 V. c. 48, s. 6.)

Inhabitants of
counties, town-
ships, etc., and
of cities, towns,
etc., to be a
body corpo-
rate.

8. The powers of every body corporate under this Act shall be exercised by the Council thereof. R. S. O. c. 174, s. 8. (36 V. c. 48, s. 7.)

Corporate
powers to be
exercised by
councils.

TITLE II.—NEW CORPORATIONS.

DIV. I.—VILLAGES.

DIV. II.—TOWNS AND CITIES.

DIV. III.—TOWNSHIPS.

DIV. IV.—COUNTIES.

DIV. V.—PROVISIONAL COUNTY CORPORATIONS.

DIV. VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

DIVISION I.—VILLAGES.

When a Village may be incorporated. Sec. 9.

Restrictions as to area of Towns and Villages. Sec. 10.

Arrangements with respect to assets and debts of Townships.

Sec. 11.

Case of Village partly in two Counties provided for. Sec. 12.

Arrangement as to debts when Village transferred from one County to another. Sec. 13.

Additions

Additions to area. Sec. 14.

Reductions of area. Sec. 15.

Annexation of incorporated Village to adjoining Municipality. Sec. 16.

When population 750 county council may incorporate as a village, and name place for first election and a returning officer.

9. When the census returns of an unincorporated Village, with its immediate neighbourhood, taken under the direction of the Council or Councils of the County or Counties in which the Village and its neighbourhood are situate, shew that the same contain over 750 inhabitants, and when the residences of such inhabitants are sufficiently near to form an incorporated Village, then, on petition by not less than 100 resident freeholders and householders of the Village and neighbourhood, of whom not fewer than one-half shall be freeholders, the Council or Councils of the County or Counties in which the Village and neighbourhood are situate shall, by by-law, erect the Village and neighbourhood into an incorporated Village, apart from the Township or Townships in which the same are situate, by a name, and with boundaries to be respectively declared in the by-law, and shall name in the by-law the place for holding the first election, and the Returning Officer who is to hold the same. R. S. O. c. 174, s. 9. (36 V. c. 48, s. 8, *part*)

Area of town or village limited.

10. No Town or Village incorporated after the passing of this Act, the population of which does not exceed 1000 souls, shall extend over or occupy within the limits of the incorporation an area of more than 500 acres of land.

Regulations as to enlargement of area.

(2) No Town or Village already or hereafter incorporated, and containing a population exceeding 1000 souls, shall make any further addition to its limits or area, except in the proportion of not more than 200 acres for each additional 1000 souls, subsequent to the first 1000.

Existing towns or villages, area of which exceeds proportionate limit, not to be enlarged.

(3) In the case of all Towns or Villages now incorporated, whenever the area thereof exceeds the proportionate limit above prescribed, to wit, in all cases where the area exceeds the proportion of 500 acres for the first 1000 souls, and 200 acres for each subsequent additional 1000, then in all such cases the said Towns or Villages shall not be permitted to make any further addition to their limits until their population has reached such a proportion to their present area.

How population and area may be reckoned.

(4) But in all cases, the persons then actually inhabiting the land about to be included within the limits of any Town or Village, may, for the purpose of such extension, be held and reckoned as among the inhabitants of such Town or Village; and the land occupied by streets or public squares may be excluded in estimating the area of such Town or Village. R. S. O. c. 174, s. 10. (36 V. c. 48, s. 8, *last part*.)

Disposition of property and payment of

11. In all cases where an incorporated Village is separated from the Township or Townships in which it is situate, the provisions

visions of this Act for the disposition of the property, and payments of debts, upon the dissolution of a Union of Townships, shall be applicable as if the localities separated had been two Townships, and the Councils of such Village and Township or Townships shall respectively perform the like duties as by such provisions devolve upon the Councils of separated Townships, the said Village being considered as the Junior Township. R. S. O. c. 174, s. 11. (36 V. c. 48, s. 9.)

debts when incorporated village is separated from township.

12. When the newly incorporated Village lies within two or more Counties, the Councils of the Counties shall, by by-law annex the Village to one of the Counties; and if within six months after the petitions for the incorporation of the Village are presented, the Councils do not agree to which County the Village shall be annexed, the Wardens of the Counties shall memorialize the Lieutenant-Governor in Council, setting forth the grounds of difference between the Councils; and thereupon the Lieutenant-Governor shall, by proclamation, annex the Village to one of such Counties.

When the village lies within two or more counties, it shall be annexed to one of them by the county councils or, in case of difference, by the Lieutenant-Governor.

(2) In case the Wardens do not, within one month next after the expiration of the six months, memorialize the Lieutenant-Governor as aforesaid, then 100 of the freeholders and householders on the census list may petition the Lieutenant-Governor to settle the matter, and thereupon the Lieutenant-Governor shall, by proclamation, annex the incorporated Village to one of the said Counties. R. S. O. c. 174, s. 12. (36 V. c. 48, ss. 10, 11.)

In case of failure of councils to act, freeholders, etc., may petition Lieutenant-Governor.

13. In case any locality is, under section 12 of this Act, detached from one County and annexed to another, the Council of the County to which the locality is annexed and the Council of the Village shall agree with the Council of the County from which such locality is detached, as to the amount (if any) of the County liabilities which should be borne by the locality so detached, and the times of payment thereof.

Liability of territory detached from one county and annexed to another.

(2) If the Councils do not agree within three months of the separation in respect of the said matter, the same shall be determined by arbitration under this Act; and the amount (if any) so agreed or determined shall become a debt of the County to which the locality is attached, and such locality shall, until the said amount has been paid by the proceeds of such rates, continue subject to all rates which had been, prior to the separation, imposed for the payment of County debts or for the payment of bonuses or aids granted by sections of the County to railways, or for the payment of local improvement debts.

(3) The Council of the County or of the Village, as the case may require, shall pass such by-laws and take such proceedings as may be necessary for levying the said rates; and shall, unless such Council has previously paid the amount to the Municipality so liable, pay over the same when collected to the Municipality

city

cipality which is liable for the debt on account of which the rates were imposed.

(4) Where the said Councils do not agree as aforesaid, the Lieutenant-Governor in Council may, before proclamation has been made, and upon the petition of a majority of the resident freeholders and householders of the said Village, and with the assent of at least two of the Councils of the Townships in which the said Village is situate, annul the incorporation of the said Village and restore the same to its former position as an unincorporated Village, and the same shall thereupon be reinstated to its former position to the same extent as if no proceedings for incorporation had ever been taken. R. S. O. c. 174, s. 13. (37 V. c. 16, s. 1.)

Addition to villages by Lieutenant-Governor.

14. In case the Council of an incorporated Village petitions the Lieutenant-Governor to add to the boundaries thereof, the Lieutenant-Governor may, subject to the provisions of section 10 of this Act, by proclamation, add to the Village any part of the localities adjacent, which, from the proximity of the streets or buildings therein, or the probable future exigencies of the Village, it may seem desirable to add thereto; and in case the territory so added belonged to another County, it shall thenceforward, for all purposes, cease to belong to such other County, and shall belong to the same County as the rest of the Village. R. S. O. c. 174, s. 14. (36 V. c. 48, s. 12; 40 V. c. 7, *Sched. A* (168).)

Reducing the area of villages or towns.

15. The County Council of any County or Union of Counties, upon the application by petition of the Corporation of any incorporated Village or Town not withdrawn from the County, and with a population, as ascertained by the last Municipal enumeration, not exceeding 2000, whose outstanding obligations and debts do not exceed double the net amount of the yearly rate then last levied and collected therein, may, in their discretion, by by-law in that behalf, reduce the area of such Village or Town by excluding from it lands used wholly for farming purposes.

New limits to be defined.

(2) Such by-law shall define, by metes and bounds, the new limits intended for such incorporated Village or Town.

Population not to be reduced below 750.

(3) No incorporated Village or Town shall, by any such change of boundaries, be reduced in population below the number of 750 souls.

Municipal rights of village or town not to be abridged.

(4) The municipal privileges and rights of such Village or Town shall not thereby be diminished, or otherwise interfered with as respects the remaining area thereof. R. S. O. c. 174, s. 15; 45 V. c. 23, s. 2. (36 V. c. 48, s. 13.)

An incorporated village may become unincorporated and may

16. In case the Council of an incorporated Village pass a resolution by a two-thirds vote of the members thereof, declaring that it is expedient that such Village should become unincorporated, and such resolution is approved by the electors in

in the manner required for by-laws creating debts; and in case the Council of an adjoining Municipality, or of two or more of the adjoining Municipalities, pass a resolution or resolutions approving of the territory comprised in the said Village being annexed to such Municipality or Municipalities, the Lieutenant-Governor in Council may issue a proclamation annulling the incorporation of the said Village, and annexing the territory included therein to such Municipality or Municipalities.

be annexed to
an adjoining
municipality.

(2) If the said territory is annexed to one Municipality, such Municipality shall be liable for the debts of the Village, and shall be entitled to its assets, but if such territory is annexed to two or more Municipalities, the Councils of such Municipalities shall, before the proclamation issues, agree between themselves, or determine by arbitration, as to the proportion of the debt of the Village to be borne by them respectively, and as to the assets, or proportion of the assets of the said Village, which such Municipalities shall respectively receive, and such Municipalities shall respectively be liable for the proportion of indebtedness as determined by the agreement or award.

(3) If the award or agreement instead of stating the proportion of the debt to be borne as aforesaid, states the shares so to be borne in sums of money, then the fraction which is formed by taking the sum named as the amount to be borne by any Municipality as the numerator, and the aggregate of the sums named as the amounts to be borne by the said Municipalities as the denominator, shall be the proportion of the entire debt to be borne by such Municipality, whether or not such debt is accurately stated in the agreement or award.

(4) It may be part of the arrangement between the said Village and the Municipality or Municipalities that the Village shall for a time be charged with a special rate, or that it shall be relieved of any rate, or part of a rate, imposed upon the rest of the Municipality with which the village, or part of it, is to be united.

(5) In case the Municipalities proposing to receive parts of the territory comprised in the Village are in different Counties, the provisions of this section may be acted upon with the assent (declared by resolution) of the Councils, and unless such Councils have previously agreed, or shall within three months of the issue of a proclamation under this section agree, as to the proportions in which the share of the County debt, which is referable to such Village, shall be borne by the several Counties, the same shall be determined by arbitration under this Act.

(6) Where part of the said Village is to be attached to a City or Town separated from the County for Municipal purposes, such separated City or Town shall be deemed a County within the meaning of the next preceding sub-section. *New.*

DIVISION II.—TOWNS AND CITIES.

Towns and Cities, how formed, and limits. Secs. 17-19.

Restrictions as to area of Towns. Sec. 10.

Wards, and additions to area. Secs. 20-22.

Annexation of incorporated Villages or Towns to adjacent Villages, Towns, or Cities. Sec. 23.

Collection of arrears of taxes in new Towns. Sec. 24.

Towns, how withdrawn from and re-united to jurisdiction of County. Secs. 25-26.

Census of towns and villages.

17. A census of any Town or incorporated Village may at any time be taken under the authority of a by-law of the Council thereof. R. S. O. c. 174, s. 16. (36 V. c. 48, s. 14.)

Town containing over 15,000 inhabitants may be erected into a city; and village containing over 2,000 into a town.

18. In case it appears by the census return taken under any such by-law, or under any statute, that a Town contains over 15,000 inhabitants, the Town may be erected into a City; and in case it appears by the return that an incorporated Village contains over 2000 inhabitants, the Village may be erected into a Town; but the change shall be made by means of and subject to the following proceedings and conditions:—

Notice to be given.

(1) The Council of the Town or Village shall, for three months after the census return, insert a notice in some newspaper published in the Town or Village, or, if no newspaper is published therein, then the Council shall, for three months, post up a notice in four of the most public places in the Town or Village, and insert the same in a newspaper published in the County Town of the County in which the Town or Village is situate, or if there is no such newspaper, then in the newspaper published nearest to the said Town or Village, setting forth in the notice the intention of the Council to apply for the erection of the Town into a City, or of the Village into a Town, and stating the limits intended to be included therein;

Census returns to be certified, and publication of notice proved.

(2) The Council of the Town or Village shall cause the census returns to be certified to the Lieutenant-Governor in Council, under the signature of the head of the Corporation, and under the corporate seal, and shall also cause the publication aforesaid to be proved to the Lieutenant-Governor in Council; then, in the case of a Village, the Lieutenant-Governor may, by proclamation, erect the Village into a Town by a name to be given thereto in the proclamation;

Village may be made a town by proclamation.

Existing debts to be adjusted in case of a town to be made a city.

(3) In case the application is for the erection of a Town into a City, the Town shall also pay to the County of which it forms part, such portion, if any, of the debts of the County as may be just, or the Council of the Town shall agree with the Council of the County as to the amount to be so paid, and the periods of payment with interest from the time of the erection of the new City, or in case of disagreement the same shall

shall be determined by arbitration under this Act; and upon the Council proving to the Lieutenant-Governor in Council the payment, agreement or arbitration, then the Lieutenant-Governor may, by proclamation, erect the Town into a City, by a name to be given thereto in the proclamation. R. S. O. c. 174, s. 17. (36 V. c. 48, s. 15.)

Town may be made a city by proclamation.

19. The Lieutenant-Governor may include in the new Town or City such portions of any Township or Townships adjacent thereto, and within the limits mentioned in the aforesaid notice, as, from the proximity of streets or buildings, or the probable future exigencies of the new Town or City, the Lieutenant-Governor may consider desirable to attach thereto. R. S. O. c. 174, s. 18. (36 V. c. 48, s. 16.)

Limits of such new town or city.

20. The Lieutenant-Governor may divide the new Town or City into Wards, with appropriate names and boundaries, but no Town shall have less than three Wards, and no Ward in any such Town or City less than 500 inhabitants. R. S. O. c. 174, s. 19. (36 V. c. 48, s. 17.)

Wards.

21. In case two-thirds of the members of the Council of a City or Town do, in Council, before the fifteenth day of July in any year, pass a resolution affirming the expediency of a new division into Wards being made of the City or Town, or of a part of the same, either within the existing limits or with the addition of any part of the localities adjacent, which, from the proximity of streets or buildings therein, or the probable future exigencies of the City or Town, it may seem desirable to add thereto respectively, or the desirability of any addition being made to the limits of the City or Town, the Lieutenant-Governor may, by proclamation, divide the City or Town or such part thereof into Wards, as may seem expedient, and may add to the City or Town any part of the adjacent Township or Townships which the Lieutenant-Governor in Council, on the grounds aforesaid, considers it desirable to attach thereto. R. S. O. c. 174, s. 20. (36 V. c. 48, s. 18.)

New division of wards in cities and towns.

22. In case any tract of land so attached to the Town or City belonged to another County, the same shall thenceforward for all purposes cease to belong to such other County, and shall belong to the same County as the rest of the Town or City. R. S. O. c. 174, s. 21. (36 V. c. 48, s. 19.)

Where land attached to town, etc., belonged to another county.

23. In case the members of the Council of any incorporated Village or Town pass a resolution affirming the expediency of the annexation of such Village or Town to an adjacent Village, Town or City, and the Municipal Council of such last-mentioned Village, Town or City, pass a similar resolution, and in case the electors of such first-mentioned Village or Town adopt a by-law to be submitted to them approving of such annexation, the Lieutenant-Governor in Council may, by proclamation, annex

Annexation of incorporated villages or towns to adjacent villages, towns or cities by proclamation.

one

one Municipality to the other, upon such terms as may have been agreed upon by the Councils, or as may have been determined by arbitration, in case the Councils resolve to have the terms settled by arbitration.

(2) Subject to any variations made by the terms agreed upon or settled in manner aforesaid, the Municipality annexed to the other shall be subject to the provisions of this Act having regard to the annexation of territory to a Village, Town or City.

(3) In case the population admits thereof, the Lieutenant-Governor may, by the same proclamation, erect the Village or Town to which the addition is made, into a Town or City, by a name to be given thereto in the proclamation, and may divide or re-divide the City, Town or Village into Wards. *New.*

Collection of
arrears of
taxes due on
land included
in a new town.

24. Upon the incorporation of any new Town, in any County, the County Treasurer shall make out a list of all arrears of taxes then due and unpaid in his books upon lands situate in the newly incorporated Town, and transmit the same to the Treasurer of the Town, who, after receipt of said list, shall have, with the Mayor, all the powers possessed by the County Treasurer and Warden for the collection of such taxes and for enforcement of the same by sale; but in such list the County Treasurer shall not include any lot then advertised for sale for taxes. 44 V. c. 25, s. 11.

Town may be
withdrawn
from jurisdic-
tion of county
by by-law on
certain condi-
tions.

25. The Council of any Town may pass a by-law to withdraw the Town from the jurisdiction of the Council of the County within which the Town is situated, upon obtaining the assent of the electors of the Town to the by-law in manner provided by this Act, subject to the following provisions and conditions:—

Amount to be
paid by town
to county for
expenses of
administra-
tion of justice
to be settled by
agreement or
arbitration.

(1) After the final passing of the by-law, the amount which the Town is to pay to the County for the expenses of the administration of justice, the use of the Gaol, and the erection and repairs of the Registry Office, and for providing books for the same, and for services for which the County is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this Act; and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to be continued;

Matters to be
considered in
settling the
same.

(2) In adjusting their award, the arbitrators shall, among other things, take into consideration the amount previously paid by the Town, or which the Town is then liable to pay, for the construction of roads or bridges by the County without the limits of the Town; and also what the County has paid, or is liable to pay, for the construction of roads or bridges within

within the town; and they shall also ascertain and allow to the Town the value of its interest in all County property, except roads and bridges within the town;

(3) When the agreement or award has been made, a copy of the same, and of the by-law, duly verified by affidavit, shall be transmitted to the Lieutenant-Governor, who shall thereupon issue his proclamation, withdrawing the Town from the jurisdiction of the Council of the County;

Copy of agreement or award to be sent to the Lt.-Gov. Proclamation.

(4) After the proclamation has been issued, the offices of Reeve and Deputy Reeve or Deputy Reeves of the Town shall cease; and no by-law of the Council of the County thereafter made shall have any force in the Town, except so far as relates to the care of the Court House and Gaol, and other County property in the Town; and the Town shall not thereafter be liable to the County for, or be obliged to pay to the County, or into the County treasury any money for County debts or other purposes, except such sums as may be agreed upon or awarded as aforesaid;

Effect of such proclamation.

(5) After the lapse of five years from the time of agreement or award, or such shorter time as may be stated in the agreement or award, a new agreement or a new award may be made, to ascertain the amount to be paid by the Town to the County for the expenses of the administration of justice, the use of the Gaol, erection and repairs of the Registry Office or offices, the providing books for the same, and for services for which the County is liable, as required by and under the provisions of any Act respecting the registration of instruments relating to lands;

New agreement or award after five years.

(6) After the withdrawal of a Town from the County all property theretofore owned by the County, except roads and bridges within the Town, shall remain the property of the County. R. S. O. c. 174, s. 22. (36 V. c. 48, s. 20.)

Property after withdrawal.

26. The Council of any Town which has withdrawn from a County, or Union of Counties, may, after the expiration of five years from such withdrawal, pass a by-law (to be assented to by the electors in manner provided for by this Act in respect of by-laws for creating debts) to re-unite with such County or Union of Counties.

Town may after five years from withdrawal pass by-law for re-union with county.

(2) The said by-law shall have no effect unless ratified and confirmed by the Council of the County or Union of Counties, from which the said Town had previously withdrawn, within six months after the passing of the said by-law, and unless the terms and conditions which the Town shall pay, perform, or be subject to, have been previously agreed upon or settled in manner following, that is to say:—

By-law to have no effect until ratified by council of county, etc.

(3) Before the said by-law is confirmed by the Council of the County, the Councils of the Town and County shall determine by agreement the amounts of the debts of the Town and County

Before by-law ratified, the amounts of the debts of the town and County

county respectively shall be determined.

County respectively which shall be paid or borne by the County after the re-union, or what amount shall be payable by a special rate to be imposed upon the ratepayers of the Town, over and above all other County rates, and all other matters relating to property, assets, or advantages consequent upon such re-union, and as affecting the County or Town respectively, and such other terms or conditions as appear just shall be settled by such agreement; and in default of such agreement being come to within three months after the passing of the by-law by the Council of the Town, the said matters shall be settled by arbitration, as provided by this Act. R. S. O. c. 174, s. 23. (36 V. c. 48, s. 21.)

DIVISION III.—TOWNSHIPS.

Townships, how attached to other Municipalities. Sec. 27.
When Junior Township may become a Separate Corporation. Secs. 28, 29.

Arrangement of joint assets and debts. Sec. 30.

New Townships—Union of. Secs. 30, 31.

Seniority of Townships. Sec. 33.

Effect of dissolution of union of Counties on united Townships in different Counties. Sec. 34.

New township beyond limits of incorporated county may be attached to a county by proclamation.

27. In case a Township is laid out by the Crown in territory forming no part of an incorporated County, the Lieutenant-Governor may, by proclamation, annex the Township, or two or more of such Townships lying adjacent to one another, to any adjacent incorporated County, and erect the same into an incorporated Union of Townships with some other Township of such County. R. S. O. c. 174, s. 24. (36 V. c. 48, s. 22.)

Junior township containing 100 freeholders, etc., may be separated from union.

28. When a Junior Township of an incorporated Union of Townships has 100 resident freeholders and householders on the assessment roll as last finally revised and passed, such Township shall, upon the first day of January next after the passing of the proper by-law in that behalf by the County Council, become separated from the Union. R. S. O. c. 174, s. 25. (36 V. c. 48, s. 23.)

In what cases junior township containing 50 freeholders, etc., but less than 100, may be separated from union,

29. In case a Junior Township has at least 50, but less than 100 resident freeholders and householders on the last revised assessment roll, and two-thirds of the resident freeholders and householders of the Township petition the Council of the County to separate the Township from the Union to which it belongs, and in case the Council considers the Township to be so situated, with reference to streams or other natural obstructions, that its inhabitants cannot conveniently be united with the inhabitants of an adjoining Township for municipal purposes, the Council may, by by-law,

law, separate the same from the Union; and the by-law shall name the Returning Officer who is to hold, and the place for holding, the first election under the same.

(2) In case two-thirds of the resident freeholders and householders of one or more Junior Townships petition the Council of the County to be separated from the Union to which they belong, and to be attached to some other adjoining Municipality, and in case said Council considers that the interest and convenience of the inhabitants of such Township or Townships would be promoted thereby, they may, by by-law, separate such Township or Townships from said Union, and attach them to some other adjoining Municipality. R. S. O. c. 174, s. 26. (36 V. c. 48, s. 24.)

and attached to an adjoining municipality.

30. After the dissolution of a Union of Townships, the following shall be the disposition of the property of the Union:

Disposition of property upon dissolution of unions.

(1) The real property of the Union situate in the Junior Township, shall become the property of the Junior Township;

Real property.

(2) The real property of the Union situate in the remaining Township or Townships of the Union shall be the property of the remaining Township or Townships;

(3) The two Corporations shall be jointly interested in the other assets of the Union, and the same shall be retained by the one, or shall be divided between both, or shall be otherwise disposed of, as they may agree;

Other assets.

(4) The one shall pay or allow to the other, in respect of the said disposition of the real and personal property of the Union, and in respect to the debts of the Union, such sum or sums of money as may be just;

Arrangement as to property and debts.

(5) In case the Councils of the Townships do not, within three months after the first meeting of the Council of the Junior Township, agree as to the disposition of the personal property of the Union, or as to the sum to be paid by the one to the other, or as to the times of payment thereof, the matters in dispute shall be settled by arbitration under this Act;

How to be determined in case of disagreement.

(6) The amount so agreed upon or settled shall bear interest from the day on which the Union was dissolved; and shall be provided for by the Council of the indebted Township like other debts. R. S. O. c. 174, s. 27. (36 V. c. 48, s. 25.)

Amount settled to bear interest.

31. In case a Township is laid out by the Crown in an incorporated County or Union of Counties, or in case there is any Township therein not incorporated and not belonging to an incorporated Union of Townships, the Council of the County or United Counties shall, by by-law, unite such Townships, for municipal purposes, to some adjacent incorporated Township, or Union of Townships in the same County or Union of Counties. R. S. O. c. 174, s. 28. (36 V. c. 48, s. 27.)

New townships, etc., within the limits of incorporated counties, to be united to adjacent townships, and how.

32.

Townships not incorporated or united may be formed into unions.

32. In case of there being at any time in an incorporated County or Union of Counties two or more adjacent Townships not incorporated, and not belonging to an incorporated Union of Townships; and in case such adjacent Townships have together not less than 100 resident freeholders and householders within the same, the Council of the County or Union of Counties may, by by-law, form such Townships into an independent Union of Townships. R. S. O. c. 174, s. 29. (36 V. c. 48, s. 28.)

Seniority of united townships, how regulated.

33. Every proclamation or by-law forming a Union of Townships shall designate the order of seniority of the Townships so united; and the Townships of the Union shall be classed in the by-law according to the relative number of freeholders and householders on the last revised assessment roll, or if there be no such revised assessment roll for any of such Townships, then the order of seniority shall be determined by the proclamation or by-law, as the Lieutenant-Governor or County Council may think fit. R. S. O. c. 174, s. 30. (36 V. c. 48, s. 29; 40 V. c. 8, s. 47.)

Effect of dissolution of union of counties on united townships in different counties.

34. In case the United Townships are in different Counties the by-law shall cease to be in force whenever the Union of the Counties is dissolved. R. S. O. c. 174, s. 31. (36 V. c. 48, s. 30.)

DIVISION IV.—OF COUNTIES.

Counties, how formed. Sec. 35.

Seniority of United Counties. Sec. 36.

Laws applicable to union of Counties. Sec. 37.

New counties how formed by proclamation, and annexed or united.

35. The Lieutenant-Governor may, by proclamation, form into a new County any new Townships not within the limits of an incorporated County, and may include in the new County one or more unincorporated Townships or other adjacent unorganized territory (defining the limits thereof) not being within an incorporated County, and may annex the new County to any adjacent incorporated County; or in case there is no adjacent incorporated County, or in case the Lieutenant-Governor in Council considers the new County, or any number of such new Counties lying adjacent to one another, and not belonging to any incorporated Union, so situated that the inhabitants cannot conveniently be united with the inhabitants of an adjoining incorporated County for municipal purposes, the Lieutenant-Governor may, by the proclamation, erect the new County, or new adjacent Counties, into an independent County or Union of Counties for the said purposes, and the proclamation shall name the new County or Counties. R. S. O. c. 174, s. 32. (36 V. c. 48, s. 31.)

36. In every Union of Counties, the County in which the County Court House and Gaol are situate shall be the Senior County, and the other County or Counties of the Union shall be the Junior County or Counties thereof. *R. S. O. c. 174, s. 33. (36 V. c. 48, s. 32.)*

Seniority of united counties, how regulated.

37. During the Union of Counties, all laws applicable to Counties (except as to representation in Parliament or the Legislative Assembly and registration of titles) shall apply to the Union as if the same formed but one County. *R. S. O. c. 174, s. 34. (36 V. c. 48, s. 33.)*

Laws applicable to union of counties.

DIVISION V.—OF PROVISIONAL COUNTY CORPORATIONS.

Provisional Corporations, formed by separation of Junior County. Sec. 38.

Provisional officers. Secs. 39, 40.

Property may be acquired on which to erect Gaol and Court House. Sec. 41.

Powers of Provisional Council not to interfere with united Corporation. Sec. 42.

Arrangement of joint assets and liabilities. Secs. 43-45.

Appointment of officials. Sec. 46.

Separation, when complete. Secs. 47, 48.

Effect of separation on judicial proceedings. Secs. 49-52, and 29-30 V. c. 51 ss. 52, 53, 55.

38. Where the census returns taken under a statute, or under the authority of a by-law of the Council of any United Counties, shew that the Junior County of the Union contains 17,000 inhabitants or more, then if a majority of the Reeves and Deputy Reeves of such County do, in the month of February, pass a resolution affirming the expediency of the County being separated from the Union; and if, in the month of February in the following year, a majority of the Reeves and Deputy Reeves transmit to the Lieutenant-Governor in Council a petition for the separation, and if the Lieutenant-Governor deems the circumstances of the Junior County such as to call for a separate establishment of Courts and other County institutions, he may, by proclamation setting forth those facts, constitute the Reeves and Deputy Reeves in that County a Provisional Council, and in the proclamation appoint a time and place for the first meeting of the Council, and therein name one of its members to preside at the meeting, and also therein determine the place for and the name of the County Town. *R. S. O. c. 174, s. 35. (36 V. c. 48, s. 34.)*

Separation of united counties.

Appointment by proclamation of provisional council in junior county.

First meeting thereof.

County town.

39. The member so appointed shall preside in the Council until a Provisional Warden has been elected by the Council from among the members thereof. *R. S. O. c. 174, s. 36. (36 V. c. 48, s. 35.)*

Who to preside.

Appointment
of provisional
warden and
other officers.

Terms of
office.

40. Every Provisional Council shall from time to time by by-law appoint a Provisional Warden, a Provisional Treasurer, and such other provisional officers for the County as the Council deems necessary. The Provisional Warden shall hold office for the municipal year for which he is elected, and the Treasurer and other officers so appointed shall hold office until removed by the Council. R. S. O. c. 174, s. 37. (36 V. c. 48, s. 36.)

Provisional
council may
acquire land,
and erect
thereon gaol
and court
houses.

41. Every Provisional Council may acquire the necessary property at the County Town of the Junior County on which to erect a Court House and Gaol, and may erect a Court House and Gaol thereon, adapted to the wants of the County, and in conformity with any statutory or other rules and regulations respecting such buildings, and may pass by-laws for such purposes. R. S. O. c. 174, s. 38. (36 V. c. 48, s. 37.)

Respective
powers of pro-
visional coun-
cil and council
of union.

42. The powers of a Provisional Council shall not interfere with the powers of the Council of the Union, and any money raised by the Provisional Council in the Junior County shall be independent of the money raised therein by the Council of the Union. R. S. O. c. 174, s. 39. (36 V. c. 48, s. 38.)

Agreement
upon dissolu-
tion as to joint
liabilities and
joint assets.

Senior county
to assume
debts of union.
Junior county
to be charged
with just pro-
portion.

43. After a Provisional Council has procured the necessary property, and erected thereon the proper buildings for a Court House and Gaol, such Council, and the Council of the Senior or remaining Counties, may enter into an agreement for the settlement of their joint liabilities and the disposition of their joint assets (other than real estate), and for determining the balance or amount that may be due by the one County to the other, and the times of payment thereof; and in determining such balance the Senior or remaining Counties shall assume the debts of the Union, and the Junior County be charged with such part thereof as may be just, and the value of the real estate, which upon the separation, becomes the property of the Senior or Junior County respectively, and any improvement effected by the Union which either County gets the exclusive benefit of, shall also be taken into account. R. S. O. c. 174, s. 40. (36 V. c. 48, s. 39.)

When provi-
sional coun-
cils shall not
vote.

44. No member of the Provisional Council shall vote or take any part in the Council of the Union or any questions affecting such agreement, or the negotiation thereof. R. S. O. c. 174, s. 41. (36 V. c. 48, s. 40.)

In case of
disagreement
disputes to be
determined by
arbitration.

Payment of
amounts found
due.

45. In case the Councils, within one month after the period mentioned in section 43, are unable to determine by agreement the several matters hereinbefore mentioned with respect to their debts, assets, and property, such matters shall be settled between them by arbitration under this Act, and the County found liable shall pay to the other County the balance or amount agreed or settled to be due by such County, and such amount

amount shall bear interest at six per centum per annum from the day on which the Union is dissolved, and shall be provided for, like other debts, by the Council of the County liable therefor after separation. R. S. O. c. 174, s. 42. (36 V. c. 48, s. 41.)

46. After the sum, if any, to be paid by the Junior County to the Senior or remaining County or Counties has been paid or ascertained by agreement or arbitration, a Judge may be appointed, as provided by "*The British North America Act, 1867*," and the Lieutenant-Governor or Lieutenant-Governor in Council, as the case may be, shall appoint a Sheriff, one or more Coroners, a Clerk of the Peace, a Clerk of the County Court, a Registrar, and at least twelve Justices of the Peace, and shall provide in the commission or commissions that the appointments are to take effect on the day the Counties become disunited. R. S. O. c. 174, s. 43. (36 V. c. 48, s. 42.)

Appointment of Sheriff and other officials.

47. After such appointments are made the Lieutenant-Governor shall, by proclamation, separate the Junior County from the Senior or remaining County or Counties, and shall declare such separation to take effect on the first day of January next after the end of three months from the date of the proclamation; and on that day the Courts and officers of the Union (including Justices of the Peace) shall cease to have any jurisdiction in the Junior County; and the real property of the Corporation of the Union situate in the Junior County shall become the property of the Corporation of the Junior County, and the real property situate in the remaining County or United Counties shall be the property of the Corporation of the remaining County or United Counties; and the other assets belonging to the Corporation of the Union, shall belong to and be the property of the Senior or Junior County, or Union of Counties respectively, as agreed upon at the separation; and, if not otherwise disposed of by agreement or arbitration, they shall belong to and be the property of the Senior County, or Union of Counties; and in the case of *choses* in action, they may be recovered in a suit, action, or other legal proceeding instituted or commenced in the name of the Senior County or Union of Counties. R. S. O. c. 174, s. 44. (36 V. c. 48, s. 43.)

Final separation of united counties by proclamation.

Property, how divided.

48. When a Junior County is separated from a Union of Counties, the head and members of the Provisional Council of the Junior County, and the officers, by-laws, contracts, property, assets and liabilities of the Provisional Corporation, shall be the head and members of the Council, and the officers, by-laws, contracts, property, assets and liabilities of the new Corporation. R. S. O. c. 174, s. 45. (36 V. c. 48, s. 44.)

Officers and property, etc., continued.

49. The dissolution of a Union of Counties shall not prevent the Sheriff of any Senior County from proceeding upon and completing the execution or service within the Junior County of any writ of mesne or final process in his hands at the

Execution and service of process in hands of sheriff at time of separation.

the time of such Separation, or of any renewal thereof, or of any subsequent or supplementary writ in the same cause; or in the case of executions against lands, from executing all necessary deeds and conveyances relating to the same, and the acts of all such Sheriffs in that behalf shall be and be held and construed to be legal and valid in the same manner and to the same extent as if no separation had taken place, but no further. R. S. O. c. 174, s. 46. (36 V. c. 48, s. 45.)

Change of place of trial in actions, etc., after separation.

50. If upon a dissolution of a Union of Counties, there is pending an action, or other civil proceeding in which the County Town of the Union has been named as the place of trial, the Court in which the action or proceeding is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the place of trial to be changed, and all records and papers to be transmitted to the proper officers of the new County. R. S. O. c. 174, s. 47. (36 V. c. 48, s. 46.)

If no special order made, proceedings to be carried on in senior county.

Provide as to criminal proceedings.

51. In case no such change is directed, all such actions and other civil proceedings shall be carried on and tried in the Senior County; but nothing in this Act contained shall be construed to affect the provisions of sections 52, 53, and 55 of the Act of the Parliament of the Province of Canada passed in the Session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered 51, so far as the same relate to criminal proceedings. R. S. O. c. 174, s. 48. (36 V. c. 48, s. 47.)

[Sections 52, 53, and 55 of 29-30 V. c. 51, are as follows:—

52. If upon the dissolution of a Union of Counties, there is pending an action, information, indictment or other judicial proceeding in which the venue is laid in a County of the Union, the Court in which the action, information, or indictment is pending, or any Judge who has authority to make orders therein, may, by consent of parties, or on hearing the parties upon affidavit, order the venue to be changed to the new County, and all records and papers to be transmitted to the proper officers of such County; and in the case of any such indictment found at any Court of Oyer and Terminer and General Gaol Delivery, any Judge of either of the Superior Courts of Common Law may make the order.

53. In case no such change be directed, all such actions, informations, indictments and other judicial proceedings shall be carried on and tried in the Senior County.

PERSONS IN PRISON.

55. Any person charged with an indictable offence, who, at the time of the disuniting of a Junior from a Senior County, is imprisoned on the charge in the Gaol of the Senior County, or is under bail or recognizance to appear for trial at any Court in the Senior County, and against whom no indictment has been found before the disunion takes place, shall be indicted, tried and sentenced in the Senior County, unless a Judge of one of the Superior Courts of Common Law orders the proceedings to be conducted in the Junior County, in which event the prisoner or recognizance (as the case may be) shall be removed to the latter County and the proceedings shall be had therein; and when in any such case the offence is charged to have been committed in a County other than that

in which such proceedings are had, the venue may be laid in the proper County, describing it as "formerly one of the United Counties of " &c]

52. All Courts of the Junior County required to be held at a place certain, shall be held in the County Town of the Junior County. R. S. O. c. 174, s. 49. (36 V. c. 48, s. 48.)

Place for holding courts in junior county.

DIVISION VI.—MATTERS CONSEQUENT UPON THE FORMATION OF NEW CORPORATIONS.

By-Laws to continue in force. Secs. 53, 54.

Debts and Liabilities, how affected. Secs. 55-59.

Officials and their sureties, how affected. Secs. 60-63.

53. In case any Village is incorporated, or Village or Town (with or without additional area) erected into a Town or City, or a Township or County becomes separated, the by-laws in force therein respectively shall continue in force until repealed or altered by the Council of the new Corporation; but no such by-laws shall be repealed or altered unless they could have been or can be legally repealed or altered by the Council which passed the same. R. S. O. c. 174, s. 50. (36 V. c. 48, s. 51.)

By-laws in force prior to formation of new corporations to continue in force until altered by council of new corporation.

54. In case an addition is made to the limits of any Municipality, the by-laws of such Municipality shall extend to the additional limits, and the by-laws of the Municipality from which the same has been detached shall cease to apply to the addition, except only by-laws relating to roads and streets, and these shall remain in force until repealed by by-laws of the Municipality to which the addition has been made. R. S. O. c. 174, s. 51. (36 V. c. 48, s. 52.)

What by-laws bind where limits of a municipality are extended.

55. In the case of the erection of any locality into an incorporated Village, or of a Village into a Town, or of a Town into a City, the Village, Town or City shall remain subject to the debts and liabilities to which such locality was previously liable, in like manner as if the same had been contracted or incurred by the new Municipality; and, after the separation of a County or Township from a Union, each County or Township which formed the Union shall remain subject to the debts and liabilities of the Union, as if the same had been contracted or incurred by the respective Counties or Townships of the Union after the dissolution thereof. R. S. O. c. 174, s. 52. (36 V. c. 48, s. 53.)

Liability for debts at the time of dissolution.

56. After an addition has been made to a Village, Town or City, the Village, Town or City shall pay to the Township or County from which the additional tract has been taken, such part (if any) of the debts of the Township or County as may be

Debts in case of an extension of limits.

be just; and in case the Councils do not, within three months after the first meeting of the Council of the Municipality to which the addition has been made, agree as to the sum to be paid, or as to the time of payment thereof, the matter shall be settled by arbitration under this Act. R. S. O. c. 174, s. 53. (36 V. c. 48, s. 54.)

Debentures to be issued for debts, and to bind the old and new municipalities.

57. After the formation of a new Corporation by the dissolution of a Union of Counties or Townships, the Council of the Senior or remaining County or Township shall issue its debentures or other obligations for any part of any debt contracted by the Union for which debentures or other obligations might have been, but had not been, issued before the dissolution; and the debentures or obligations shall recite or state the liability of the Junior County or Township therefor under this Act; and the Junior County or Township shall be liable therefor as if the same had been issued by the Union before the dissolution. R. S. O. c. 174, s. 54. (36 V. c. 48, s. 55.)

Assessments for year preceding dissolution.

58. All assessments imposed by the Council of the then Corporation for the year next before the year in which the new Corporation is formed by separation therefrom, shall belong to the then Corporation, and shall be collected and paid over accordingly, and after the separation all special rates for the payment of debts theretofore imposed upon the locality by any by-law of the former Corporation shall continue to be levied by the new Corporation; and the Treasurer of the new Corporation shall pay over the amount as received to the Treasurer of the Senior or remaining Municipality, and the latter shall apply the money so received in the same manner as the money raised under the same by-law in the Senior or remaining Municipality. R. S. O. c. 174, s. 55. (36 V. c. 48, s. 56.)

Special rates for debts continued and to be paid over by treasurer of the junior county.

If the sum paid over exceeds the just amount, the excess may be recovered.

Form of action.

59. In case the amount so paid over as in the last preceding section provided, or to any creditor of the Senior or remaining Municipality, in respect of a liability of the former Corporation, exceeds the sum which, by the agreement or award between the Councils, the new Corporation ought to pay, the excess may be recovered against the Senior or remaining Municipality as for money paid or as for money had and received, as the case may be. R. S. O. c. 174, s. 56. (36 V. c. 48, s. 57.)

Former council and officers to exercise jurisdiction over new municipalities, etc., until new councils are organized.

60. In case any Village is incorporated, or any Village or Town is erected into a Town or City, or any Township or County becomes separated, the Council and the members thereof having authority in the locality or Municipality immediately previous, shall, until the Council for the Corporation is organized, continue to have the same powers as before; and all other officers and servants of the locality or Municipality shall, until dismissed, or until successors are appointed, continue

tinue in their respective offices, with the same powers, duties and liabilities as before. R. S. O. c. 174, s. 57. (36 V. c. 48, s. 58.)

61. The separation of a Junior County or Township from a Union of Counties or Townships shall not in any case or in any manner whatever affect the office, duty, power or responsibility of any public officer of the Union who continues a public officer of the Senior County or Township or remaining Counties or Townships after such separation, or the sureties of any such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the Senior County or Township, or remaining Counties or Townships. R. S. O. c. 174, s. 58. (36 V. c. 48, s. 59.)

Effect of separation upon public officers and their sureties.

62. All such public officers shall, after the separation, be the officers of the Senior County or Township, or remaining Counties or Townships, as if they had originally been respectively appointed public officers for such Senior County or Township or for such remaining Counties or Townships only. R. S. O. c. 174, s. 59. (36 V. c. 48, s. 60.)

Further provisions as to officers and

63. All sureties for such public officers shall be, and remain liable, as if they had become the sureties for such public officers in respect only of such Senior County or Township, or of such remaining Counties or Townships; and all securities which have been given shall, after the separation, be read and construed as if they had been given only for the Senior or remaining County or Counties, or Township or Townships; but nothing herein contained shall affect the right of new securities being required to be given by any Sheriff or by any Clerk or Bailiff, or other public officer, under any statute, or otherwise howsoever. R. S. O. c. 174, s. 60. (36 V. c. 48, s. 61.)

Right to require new securities not affected.

PART II.

MUNICIPAL COUNCILS, HOW COMPOSED.

TITLE I.—THE MEMBERS.

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

TITLE I.—THE MEMBERS.

DIV. I.—IN COUNTIES.

DIV. II.—IN CITIES.

DIV. III.—IN TOWNS.

DIV. IV.—IN INCORPORATED VILLAGES.

DIV. V.—IN TOWNSHIPS.

DIV. VI.—IN PROVISIONAL CORPORATIONS.

DIVISION

DIVISION I.—IN COUNTIES.

*Councils. Sec. 64.**Certificate of Election. Secs. 65-67.*

County councils.

64. The Council of every County shall consist of the Reeves and Deputy Reeves of the Townships and Villages within the County, and of any Towns within the County which have not withdrawn from the jurisdiction of the Council of the County, and one of the Reeves or Deputy Reeves shall be the Warden. R. S. O. c. 174, s. 61. (36 V. c. 48, s. 62.)

Certificates as to election and number of freeholders and householders to be filed by Reeves and Deputy Reeves.

65. No Reeve or Deputy Reeve shall take his seat in the County Council until he has filed with the Clerk of the County Council a certificate of the Township, Village, or Town Clerk, under his hand, and the seal of the Municipal Corporation, that such Reeve or Deputy Reeve was duly elected, and has made and subscribed the declarations of office and qualification as such Reeve or Deputy Reeve; nor in case of a Deputy Reeve, until he has also filed with the Clerk of the County an affirmation or declaration of the Clerk of the person having the legal custody of the last revised assessment rolls for the Municipality which he represents, that there appear upon such rolls the names of at least 500 freeholders and householders in the Municipality, possessing the same property qualification as voters, for the first Deputy Reeve elected for such Municipality, and that no alteration reducing the limits of the Municipality, and the number of persons possessing the same property qualification as voters, below 500 for each additional Deputy Reeve, has taken place since the said rolls were last revised. R. S. O. c. 174, s. 62. (36 V. c. 48, s. 63.)

Form of certificate as to election, etc.

66. The certificate firstly above-mentioned may be in the following form:—

I, A. B., of _____, Clerk of the Corporation of the Township (Town or Village, as the case may be) of _____, in the County of _____, do hereby, under my hand and the seal of the said Corporation, certify that C. D., of _____, Esquire, was duly elected Reeve (or Deputy Reeve, as the case may be), of the said Township (Town or Village, as the case may be), and has made and subscribed the declarations of office and qualification as such Reeve (or Deputy Reeve, as the case may be).

Given under my hand and the seal of the said Corporation of _____ at _____, in the said Township (Town or Village, as the case may be), this _____ day of _____, A.D. 18 ____.

{ Seal of the
Municipal
Corporation. }

A. B.
Township (Town or Village) Clerk.

R. S. O. c. 174, s. 63. (36 V. c. 48, s. 64.)

67. The certificate secondly above-mentioned may be in the following form :—

Form of certificate as to number of freeholders and householders.

I, *A. B.*, of *Gentleman*, Clerk of the Township (Town or Village, as the case may be) of , in the County of do hereby declare and affirm as follows :—

(1) That I am the person having the legal custody of the last revised assessment roll for the said Township (Town or Village, as the case may be).

(2) That there appear upon the said roll the names of at least hundred (500 for each Deputy Reeve) freeholders and householders in the said Township (Town or Village, as the case may be), possessing the same property qualification as voters.

(3) That no alteration reducing the limits of the said Municipality, and the number of persons possessing the same property qualification as voters below hundred (500 for each Deputy Reeve), has taken place since the said roll was last revised.

A. B.

R. S. O. c. 174, s. 64. (36 V. c. 48, s. 65.)

DIVISION II.—IN CITIES.

Councils. Sec. 68.

68. The Council of every City shall consist of the Mayor, City Councils, who shall be the head thereof, and three Aldermen for every Ward, to be elected in accordance with the provisions of this Act. R. S. O. c. 174, s. 65. (36 V. c. 48, s. 66.)

DIVISION III.—IN TOWNS.

Councils. Sec. 69.

69. The Council of every Town shall consist of the Mayor, Town Councils, who shall be the head thereof, and of three Councillors for every Ward where there are less than five Wards, and of two Councillors for each Ward where there are five or more Wards; and if the Town has not withdrawn from the jurisdiction of the Council of the County in which it lies, then a Reeve shall be added, and if the Town had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to be voters), then a Deputy Reeve shall be added, and for every additional 500 names of persons possessing the same property qualification as voters on such roll, there shall be elected an additional Deputy Reeve. R. S. O. c. 174, s. 66. (36 V. c. 48, s. 67.)

Provided

Reduction of
number of
councillors.

Provided always that the Council of every town, where there are less than five wards, may, upon a petition of not less than 100 municipal electors, pass a by-law reducing the number of Councillors for each ward to two; but such by-law, before the final passing thereof, shall receive the assent of the electors of the municipality in the manner provided for in section 294 and following sections of this Act.

(2) Any time after two annual municipal elections shall have been held, under a by-law passed as provided for under this section, the Council of the municipality shall, upon the presentation to the Council of a petition of not less than 100 resident municipal electors, asking the Council to submit a by-law to a vote of the electors, for the repeal of the by-law so passed, in accordance with section 294 of this Act, without unnecessary delay, submit such repealing by-law to a vote of the electors of the municipality; the proceedings, in regard to the submission of such by-laws, both as to enacting and repeal, shall be as provided in this Act in regard to by-laws requiring the assent of the electors. 43 V. c. 24, s. 2.

DIVISION IV.—IN INCORPORATED VILLAGES.

Councils. Sec. 70.

Incorporated
Village Councils.

70. The Council of every incorporated Village shall consist of one Reeve, who shall be the head thereof, and four Councillors, and if the Village had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such persons may not be entitled to vote), then of a Reeve, Deputy Reeve, and three Councillors, and for every additional 500 names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional Deputy Reeve instead of a Councillor. R. S. O. c. 174, s. 67. (36 V. c. 48, s. 68; 39 V. c. 7, s. 18.)

DIVISION V.—IN TOWNSHIPS.

Councils. Sec. 71.

Township
Councils.

71. The Council of every Township shall consist of a Reeve, who shall be the head thereof, and four Councillors, one Councillor being elected for each Ward where the Township is divided into Wards, and the Reeve to be elected by a general vote; but if the Township had the names of 500 freeholders and householders on the last revised assessment roll, possessing the same property qualification as voters (notwithstanding that such

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R. S. O. c. 174,

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Township is di-
ed by a general
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at roll, possessing
withstanding that
such

such persons may not be entitled to vote), then the Council shall consist of a Reeve, Deputy Reeve, and three Councillors, and for every 500 additional names of persons possessing the same property qualification as voters on such roll (notwithstanding that such persons may not be entitled to be voters), there shall be elected an additional Deputy Reeve instead of a Councillor. R. S. O. c. 174, s. 68. (36 V. c. 48, s. 69, 39 V. c. 7, s. 18.)

DIVISION VI.—In PROVISIONAL CORPORATIONS.

Councils. Sec. 72.

72. The Reeves and Deputy Reeves of the Municipalities Provisional Councils. within a Junior County for which a Provisional Council is established, shall *ex officio* be the members of the Provisional Council. R. S. O. c. 174, s. 69. (36 V. c. 48, s. 70.)

TITLE II.—QUALIFICATION, DISQUALIFICATION, AND EXEMPTIONS.

DIV. I.—QUALIFICATION.

DIV. II.—DISQUALIFICATION.

DIV. III.—EXEMPTIONS.

DIV. I.—QUALIFICATION.

In each Municipality. Sec. 73.

Nature of Estate to be possessed. Sec. 74.

In new Township where no Assessment Roll. Sec. 75.

Where only one qualified person for each seat. Sec. 76.

73. The persons qualified to be elected Mayors, Aldermen, Reeves, Deputy Reeves, and Councillors of any Municipality shall be such persons as reside within the Municipality, or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and are not disqualified under this Act, and have, at the time of the election, in their own right, or in the right of their wives, as proprietors or tenants, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in their own names on the last revised assessment roll of the Municipality to at least the value following, over and above all charges, liens, and incumbrances affecting the same. Qualification of mayors, aldermen, etc.

(1) In incorporated Villages—Freehold to \$600, or leasehold to \$1,200; In incorporated villages,

(2)
x Reduced - see S of O 1886 Chap 37 sec 2.
x further reduced - " 1887 " 29 " 2

- In towns ; (2) In Towns—Freehold to \$800, or leasehold to \$1,600 ;
 In cities ; (3) In Cities—Freehold to \$1,500, or leasehold to \$3,000 ;
 In townships ; (4) In Townships—Freehold to \$400, or leasehold to \$800 ;

Property of
different
kinds.

And so in the same proportions in all Municipalities, in case the property is partly freehold and partly leasehold.

But if within any Township any such person is at the time of election in actual occupation of any such freehold rated in his own name on the last revised assessment roll of said Township, he will be entitled to be elected as Reeve, Deputy Reeve or Councillor of said Township if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$4,000, and for this purpose the said value shall not be affected or reduced by any lien, incumbrance or charge existing on or affecting such freehold. R. S. O. c. 174, s. 70 ; 43 V. c. 24, s. 3. (36 V. c. 48, s. 71.) *Last part new.*

"Leasehold"
defined.

Nature of
estate.

74. The term "Leasehold" in the foregoing section shall not include a term less than a tenancy for a year, or from year to year ; and the qualification of all persons, where a qualification is required under this Act, may be of an estate either legal or equitable, or may be composed partly of each. R. S. O. c. 174, s. 71. (36 V. c. 48, s. 72.)

In new town-
ship not hav-
ing assessment
roll.

75. In case of a new Township erected by proclamation, for which there has been no assessment roll, every person who, at the time of the first election, has such an interest in real property, and to such an amount as hereinbefore mentioned, shall be deemed to be possessed of a sufficient property qualification. R. S. O. c. 174, s. 72. (36 V. c. 48, s. 73.)

If only one
person be
qualified for
each seat in
the Council.

76. In case in a Municipality there are not at least two persons qualified to be elected for each seat in the Council, no qualification beyond the qualification of an elector shall be necessary in the persons to be elected. R. S. O. c. 174, s. 73. (36 V. c. 48, s. 74.)

DIVISION II.—DISQUALIFICATION.

Persons Disqualified. Sec. 77.

Persons dis-
qualified from
being mem-
bers of coun-
cils.

77. No Judge of any Court of civil jurisdiction, no Gaoler or Keeper of a House of Correction, no Sheriff, Deputy Sheriff, Sheriff's Bailiff, High Bailiff or Chief Constable of any City or Town, Assessor, Collector, Treasurer, or Clerk of any Municipality, no Bailiff of any Division Court, no County Crown Attorney, no Registrar, no Deputy Clerk of the Crown, no Clerk of the County Court, no Clerk of the Peace, no Innkeeper or Saloonkeeper, or Shopkeeper licensed to sell spirituous liquors by retail, no License Commissioner or Inspector of Licenses, no Police Magistrate, and no person having by himself

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 O. c. 174, s. 73.

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himself or his partner an interest in any contract with or *du 893-1884*
 on behalf of the Corporation, shall be qualified to be a mem- *ray 93, cap 32*
 ber of the Council of any Municipal Corporation; *sec 2.-*

(2) But no person shall be held to be disqualified from being *Proviso as to*
 elected a member of the Council of any Municipal Corporation *shareholders*
 by reason of his being a shareholder in any incorporated *in companies*
 Company having dealings or contracts with the Council of such *having deal-*
 Municipal Corporation, or by having a lease of 21 years or *ings with cor-*
 upwards, of any property from the Corporation, but no such *porations and*
 leaseholder shall vote in the Council on any question affecting *lessees for 21*
 any lease from the Corporation, and no such shareholder on *years from*
 any question affecting the Company. R. S. O. c. 174, s. 74;
 42 V. c. 31, s. 2. (36 V. c. 48, s. 75.) *corporation.*

DIVISION III.—EXEMPTIONS.

Officials and Persons exempted. Sec. 78.

78. All persons over 60 years of age, all Members and *Exemptions.*
 officers of the Legislative Assembly of Ontario, and of the Senate
 or House of Commons of Canada, all persons in the civil ser-
 vice of the Crown, all Judges not disqualified by the last pre-
 ceding section, all Coroners, all persons in Priests' orders, Clergy-
 men and Ministers of the Gospel of every denomination, all
 members of the Law Society of Ontario, whether Barristers or
 Students, all Attorneys and Solicitors in actual practice, all
 officers of Courts of Justice, all members of the medical pro-
 fession, whether Physicians or Surgeons, all Professors, Masters,
 Teachers and other members of any University, College, or
 School in Ontario, and all officers and servants thereof, all
 Millers, and all Firemen belonging to an authorized Fire Com-
 pany—are exempt from being elected or appointed members of
 a Municipal Council, or to any other municipal office. R. S. O.
 c. 174, s. 75. (36 V. c. 48, s. 76.) *See also as to Firemen,*
 R. S. O. c. 178, ss. 2-4.

PART III.

MUNICIPAL ELECTIONS.

TITLE I.—ELECTORS.

TITLE II.—ELECTIONS.

TITLE I.—ELECTORS.

DIVISION I.—QUALIFICATION.

Freehold, Household, Income, or Farmer's Son. Sec. 79.
Amount of rating requisite. Sec. 80.

Persons

Persons in default for non-payment of taxes. Sec. 81.

Elector must be named on voters' list. Sec. 82.

In new Municipality having no Assessment Roll. Sec. 83.

Where new Territory added. Sec. 84.

Joint or several rating on same property. Secs. 85, 86.

Householder, definition of. Sec. 87.

Qualification
of electors.

*Widows, un-
married women
or - Lu S. 80
1884-cap 32
Sec 3.*

79. Subject to the provisions of the next eight sections the right of voting at municipal elections shall belong to the following persons, being males of the full age of 21 years, and subjects of Her Majesty by birth or naturalization, being rated to the amount hereinafter provided on the revised assessment roll, upon which the voters' list used at the election is based, of the Municipality, for real property held in their own right or in the right of their wives, or for income, and having received no reward and having no expectation of reward for voting:

Freeholders.

Firstly. All persons, whether resident or not, who are at the date of the election freeholders of the Municipality either in their own right or in the right of their wives;

Householders
and tenants.

Secondly. All residents of the Municipality who have resided therein for one month next before the election, and who are, or whose wives are, at the date of the election, householders or tenants in the Municipality;

Income voters.

Thirdly. All residents of the Municipality at the date of the election, who have continuously resided therein since the completion of the last revised assessment roll therefor, and who are in receipt of an income from some trade, office, calling or profession, of not less than \$400. R. S. O. c. 174, s. 76, *part.* (36 V. c. 48, s. 77; 37 V. c. 3, s. 1.)

Farmers' sons.

Fourthly. All residents of the Municipality at the date of the election who are farmers' sons, and have resided in the Municipality on the farm of their father or mother for twelve months next prior to the return by the Assessors of the assessment roll on which the voters' list used at the election is based. R. S. O. c. 174, s. 76, *part.* (40 V. c. 9, s. 3.)

When more
than one son
so resident.

(2) If there are more sons than one so resident, and if the farm is not rated and assessed at an amount sufficient, if equally divided between them, to give a qualification to vote to the father and all the sons, where the father is living, or to the sons alone where the father is dead and the mother is a widow, then the right to vote shall belong to and be the right only of the father and such of the eldest or elder of said sons to whom the amount at which the farm is rated and assessed will, when equally divided between them, give the qualification to vote. R. S. O. c. 174, s. 76 (2). (40 V. c. 9, s. 2.)

Where father
living and as-
sessment not
sufficient to

(3) If the amount at which the farm is so rated and assessed is insufficient, if equally divided between the father, if living, and one son, to give to each a qualification to vote, then the father

Sec. 81.

H. Sec. 83.

. 85, 86.

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. 76, part. (36

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9, s. 2.)

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to vote, then the
father

father shall be the only person entitled to vote in respect of such farm. R. S. O. c. 174, s. 76 (3). (40 V. c. 9, s. 2.)

(4) Occasional or temporary absence from the farm for a time or times not exceeding in the whole four months of the twelve hereinbefore mentioned, shall not operate to disentitle a farmer's son to vote. R. S. O. c. 174, s. 76 (4). (40 V. c. 9, s. 3.)

(5) In this and the four next preceding clauses :

"Farm" shall mean land actually occupied by the owner thereof and not less in quantity than twenty acres ;

"Son" or "Sons" or "Farmer's Son" or "Farmers' Sons" shall mean any male person or persons not otherwise qualified to vote, and being the son or sons of an owner and actual occupant of a farm ;

"Father" shall include stepfather ;

"Election" shall mean an election for a member to a Municipal Council ;

"To vote" shall mean to vote at an election ; and

"Owner" shall mean proprietor in his own right or in the right of his wife of an estate for life or any greater estate either legal or equitable, except where the owner is a widow, and in such latter case the word "owner" shall mean proprietor in her own right of any such estate. R. S. O. c. 174, s. 76 (5). (40 V. c. 9, s. 1.)

80. In order to entitle any person to vote as aforesaid in respect of real property, such property, whether freehold or household or partly each, must be rated at an actual value of not less than the following :

In Townships—\$100.

In Incorporated Villages—\$200.

In Towns—\$300.

In Cities—\$400. R. S. O. c. 174, s. 77. (36 V. c. 48, s. 78.)

81. No person who has been returned by the Treasurer or Collector under section 118 as in default for non-payment of his taxes on or before the fourteenth day of December next preceding any election, shall be entitled to vote in respect of income in any Municipality or in respect of real property in Municipalities which have passed by-laws under section 490, sub-section two. R. S. O. c. 174, s. 78. (36 V. c. 48, s. 77.) See 38 V. c. 28, s. 8 ; and 39 V. c. 5, s. 9.

82. Except in the case of a new Municipality, for which there is no assessment roll, no person shall be entitled to vote at any election, unless he is one of the persons named or purporting

quality more
than one.

Temporary
absence.

Interpreta-
tion.

Amount of
rating neces-
sary.

Persons in
default for
non-payment
of taxes not to
vote.

But.
See S 80 1887
cap 29
see 3-1

Elector must
be named in
voters' list.

No question of qualification to be raised.

porting to be named in the proper list of voters; and no question of qualification shall be raised at any election, except to ascertain whether the person tendering his vote is the same person as is intended to be designated in the said list of voters. R. S. O. c. 174, s. 79. (36 V. c. 48, s. 77; 40 V. c. 12, s. 20.) See 37 V. c. 3, s. 1.

In newly erected municipalities not having any assessment roll.

83. At the first election of a new Municipality for which there is no separate assessment roll, every resident male inhabitant, though not previously assessed, shall be entitled to vote if he possesses the other qualifications above mentioned, and has at the time of the election sufficient property to have entitled him to vote if he had been rated for such property. R. S. O. c. 174, s. 80. See 36 V. c. 48, s. 79.

Where new territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such new territory.

84. Where any territory is added for municipal purposes to any City, Town or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or in case a new Village is formed, and an election takes place before voters' lists including the names of persons entitled to vote in such territory are made out for such new or enlarged City, Town or Village, or before such lists are certified by the County Judge, then all persons who would have been qualified as electors in such territory if the same had remained separate from the City, Town or Village, or if such Town or Village had not been erected into a City or Town, or if such Village had not been formed, shall be entitled to vote in the City, Town or Village at such election. R. S. O. c. 174, s. 81. (38 V. c. 3, s. 16.)

If owner and occupant severally rated, both to be deemed rated.

85. In case both the owner and occupant of any real property are rated severally but not jointly therefor, both shall be deemed rated within this Act. R. S. O. c. 174, s. 82. (36 V. c. 48, s. 82.)

When joint owners or occupants rated, rating to be equally divided.

86. Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated. R. S. O. c. 174, s. 83. (36 V. c. 48, s. 83.)

"Householder" defined.

87. Every occupant of a separate portion of a house, such portion having a distinct communication with a public road or street by an outer door, shall be deemed a householder within this Act. R. S. O. c. 174, s. 84. (36 V. c. 48, s. 84.)

TITLE II.—ELECTIONS.

DIV. I.—TIME AND PLACE OF HOLDING.

DIV. II.—RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS.

DIV. III.—OATHS.

DIV. IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

DIV. V.—THE POLL.

DIV. VI.—MISCELLANEOUS PROVISIONS.

DIV. VII.—VACANCIES IN COUNCIL.

DIV. VIII.—CONTROVERTED ELECTIONS.

DIV. IX.—PREVENTION OF CORRUPT PRACTICES.

DIVISION I.—TIME AND PLACE OF HOLDING.

*In Municipalities other than Counties. Sec. 88.**In new or altered Municipalities. Sec. 89.**Place, how fixed. Sec. 90.**In separate Townships. Secs. 91, 92.**Election of reeves, etc., in Townships and Villages. Sec. 93.**Election Divisions. Sec. 94.**Where Elections shall be held. Secs. 95, 96.*

88. The electors of every Municipality (except a County) shall elect annually, on the first Monday in January, the members of the Council of the Municipality, except such members as have been elected at the nomination; and the persons so elected shall hold office until their successors are elected or appointed and sworn into office, and the new Council is organized. R. S. O. c. 174, s. 85. (36 V. c. 48, s. 85.)

Elections to be held annually for members of council of municipalities (except counties). Terms of office.

89. In case of the incorporation of a new Township or Union of Townships; or of the separation of a Junior Township from a Union of Townships; or of the erection of a locality into an incorporated Village; or of the erection of a Village into a Town or of a Town into a City; or of an additional tract of land being added to an incorporated Village, Town or City, or in case of a new division into Wards of a Town or City, the first election under the proclamation or by-law by which the change was effected shall take place on the first Monday in January next after the end of three months from the date of the proclamation, or from the passing of the by-law by which the change is made, and until such day the change shall not go into effect; but the nomination of candidates and the election of such officers as are unopposed, may, and shall be proceeded with at the same time and in the same manner as if such change had gone into effect on the last Monday of the month of December preceding such first election, or on such other day as the nominations may lawfully be held upon. R. S. O. c. 174, s. 86. (36 V. c. 48, s. 86; 40 V. c. 8, s. 49.)

First elections where corporations are newly erected or extended.

Times of elections.

Place to be fixed by by-law of municipalities.

90. The Council of every City, Town and Village Municipality (including a Village newly erected into a Town, and a Town newly erected into a City), shall from time to time, by by-law, appoint the place or places for holding the next ensuing municipal election, otherwise the election shall be held at the place or places at which the last election for the Municipality or Wards or polling sub-divisions was held. R. S. O. c. 174, s. 87. (36 V. c. 48, s. 87.)

County Council to appoint place of first election in junior townships after separation.

91. When in any year a Junior Township of a Union has 100 resident freeholders and householders on the then last revised assessment roll, the Council of the County shall, by a by-law to be passed before the thirty-first day of October, in the same year, fix the place for holding the first annual election of Councillors in the Township, and appoint a Returning Officer for holding the same, and otherwise provide for the due holding of the election according to law. R. S. O. c. 174, s. 88. (36 V. c. 48, s. 88.)

Existing ward divisions in united townships to cease on dissolution of union.

92. In case of the separation of a Union of Townships, existing divisions into Wards, if any, shall cease, as if the same had been duly abolished by by-law, and the elections of Councillors shall be by general vote, until the Township or Townships are divided into polling sub-divisions or Wards under the provisions of this Act. R. S. O. c. 174, s. 89. (36 V. c. 48, s. 89.)

Election of reeves, etc., in townships and incorporated villages to be by general vote.

93. The election in Townships and incorporated Villages of Reeves, Deputy Reeves and Councillors, shall be by general vote, except in the case of Deputy Reeves and Councillors in Townships divided into Wards, and shall be held at the place or places where the last meeting of the Council was held, or in such other place or places as may be from time to time fixed by by-law. R. S. O. c. 174, s. 90. (36 V. c. 48, s. 90.)

Upon petition the council may, by by-law, divide townships into wards, etc.

94. In case a majority of the qualified electors of a Township on the last revised assessment roll petition the Council of the Township to divide the Township into Wards, or to abolish or alter any then existing division into Wards, the Council shall, within one month thereafter, pass a by-law to give effect to such petition; and if such petition is for division into Wards, shall divide such Township into Wards, having regard to the number of electors in each Ward, being as nearly equal as may be, and the number of Wards for municipal purposes shall be four in all cases; and where the Township is divided into Wards, and is entitled to one or more Deputy Reeves, the Councillors shall, at their first meeting, elect from among themselves such Deputy Reeve or Reeves. R. S. O. c. 174, s. 91. (36 V. c. 48, s. 91.)

Election of deputy reeves, etc., in such case.

95. Every election shall be held in the Municipality to which the same relates. R. S. O. c. 174, s. 92. (36 V. c. 48, s. 92.)

96. No election of Township Councillors shall be held in any City, Town or incorporated Village, nor shall any election for a Municipality, or any Ward thereof, be held in a tavern or in a house of public entertainment licensed to sell spirituous or fermented liquors. R. S. O. c. 174, s. 93. (36 V. c. 48, s. 93.)

DIVISION II.—RETURNING OFFICERS AND DEPUTY RETURNING OFFICERS.

When election by polling subdivisions. Sec. 97.

When not. Sec. 98.

Death or absence, provision for. Sec. 99.

Authority of. Secs. 100, 101.

Special Constables. Sec. 101.

97. The Council of every Municipality in which the election is to be made by Wards or polling subdivisions, shall, from time to time, by by-law, appoint:—

(a) The places for holding the nominations for each Ward;

(b) The Returning Officers who shall respectively hold the nominations for each Ward;

(c) The places at which polls will be opened in the Municipality in case a poll is required;

(d) The Deputy Returning Officers who shall preside at the respective polling places. R. S. O. c. 174, s. 94. (36 V. c. 48, s. 94; 37 V. c. 16, s. 4.)

(2) The Clerk of the Municipality shall be the Returning Officer for the whole Municipality, and in the case of a poll being required, the Deputy Returning Officers shall make to him the returns for their respective Wards or polling subdivisions. R. S. O. c. 174, s. 94. See 40 V. c. 12, s. 13.

98. In the case of a municipality in which the election is not to be by Wards or polling subdivisions, the Clerk shall be the Returning Officer to hold the nomination of candidates at all elections after the first, and shall also perform all the duties hereinafter assigned to Deputy Returning Officers. R. S. O. c. 174, s. 95. (36 V. c. 48, s. 95.) See 40 V. c. 12, s. 13.

99. In case, at the time appointed for holding a nomination or poll, the person appointed to be Returning Officer or Deputy Returning Officer has died, or does not attend to hold the nomination or poll within an hour after the time appointed, or in case no Returning Officer or Deputy Returning Officer has

The death or absence of the returning officer or deputy returning officer provided for.

See 1887
Cap 3
Sec 4

has been appointed, the electors present at the place for holding the nomination or poll may choose from amongst themselves a Returning Officer or Deputy Returning Officer, and such Returning Officer or Deputy Returning Officer shall have all the powers, and shall forthwith proceed to hold the nomination or poll, and perform all the other duties of a Returning Officer or Deputy Returning Officer. R. S. O. c. 174, s. 96. (36 V. c. 48, s. 96.)

Returning officers and deputy returning officers to be conservators of the peace; their powers.

100. Every Returning Officer and Deputy Returning Officer shall, during the days of the election, or of the voting of electors upon a by-law, act as a conservator of the peace for the City or County in which the election or voting is held; and he, or any Justice of the Peace having jurisdiction in the Municipality in which the election or voting is held, may cause to be arrested, and may summarily try and punish by fine or imprisonment, or both, or may imprison or bind over to keep the peace, or for trial, any riotous or disorderly person, who assaults, beats, molests or threatens any voter coming to, or remaining at, or going from the election or voting; and, when thereto required, all constables and persons present at the election or voting, shall assist the Returning Officer, or Deputy Returning Officer, or Justice of the Peace. R. S. O. c. 174, s. 97. (36 V. c. 48, s. 97.)

Special constables may be sworn in.

101. Every Returning Officer, or Deputy Returning Officer, or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at an election or at the voting of electors upon a by-law; and any person liable to serve as constable, and required to be sworn in as a special constable by a Returning Officer or Deputy Returning Officer, or Justice, shall, if he refuses to be sworn in or to serve, be liable to a penalty of \$20, to be recovered to the use of any one who will sue therefor. R. S. O. c. 174, s. 98. (36 V. c. 48, s. 98.)

DIVISION III.—OATHS.

Of freeholder. Sec. 102.
Of householder or tenant. Sec. 103.
Of Income voter. Sec. 104.
Of Farmer's son. Sec. 105.
Administering. Sec. 106.

Oaths, etc., of person claiming to vote as a freeholder.

102. The only oaths or affirmations to be required of any person claiming to vote in respect of a freehold, shall be as follows, or to the like effect:—

You swear (or solemnly affirm) that you are the person named, or purporting to be named, in the list (or supplementary list) of voters now shewn to you (shewing the list to the voter);

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That you are a freeholder in your own right (or right of your wife, as the case may require);

That you are a natural born (or naturalized) subject of Her Majesty, and of the full age of twenty-one years;

(In the case of Municipalities not divided into Wards.) That you have not voted before at this election, either at this or any other polling place;

(In the case of Municipalities divided into Wards.) That you have not voted before at this election, either at this or any other polling place in this Ward and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve as the case may be);

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election;

So help you God.

(In the case of a new Municipality in which there has not been any assessment roll, then instead of referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote.)

In new Municipality where no assessment roll.

R. S. O. c. 174, s. 99. (36 V. c. 48, s. 99; 40 V. c. 8, s. 50.)

103. The oath or affirmation to be required of any person claiming to vote as householder or tenant, shall be as follows, or to the like effect:—

Oath of householder or tenant.

You swear (or solemnly affirm) that you are the person named or purporting to be named in the list (or supplementary list) of voters now shewn to you (showing the list to the voter);

That on the day of 18 (the day certified by the Clerk of the Municipality as the date of the return, or of the final revision and correction, of the assessment roll upon which the voters' list used at the election is based) you were actually, truly, and in good faith, possessed to your own use and benefit as tenant or occupant, of the real estate in respect of which your name is entered on the said list;

That you are (or your wife is) a householder or tenant within this Municipality;

That you have been resident within this Municipality for one month next before this election;

That you are a natural-born (or naturalized) subject of Her Majesty and of the full age of twenty-one years;

(In the case of Municipalities not divided into Wards.) That you have not voted before at this election, either at this or any other polling place;

(In the case of Municipalities divided into Wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve or Deputy Reeve as the case may be);

That you have not, directly or indirectly, received any reward or gift, nor do you expect to receive any, for the vote which you tender at this election;

That you have not received anything nor has anything been promised to you directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election;

And

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election ;

So help you God.

In new municipality where no assessment roll.

(In the case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the election, and referring to the list of voters, the person offering to vote may be required to state in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality.)

R. S. O. c. 174, s. 100. (37 V. c. 16, s. 2 ; 40 V. c. 8, s. 50 ; 40 V. c. 12, s. 15.)

Oath of income voter

104. The oath or affirmation to be required of any person claiming to vote in respect of income shall be as follows :

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) on the list (or supplementary list) of voters now shewn to you (showing the list to voter) ;

That on the day of 18 (the day certified by the Clerk of the Municipality as the date of the final revision and correction of the assessment roll upon which the voters' list used at the election is based), you were, and thenceforward have been continuously, and still are, a resident of this Township (City, Town or Village, as the case may be) ;

That at the said date, and for twelve months previously, you were in receipt of an income from your trade (office, calling, or profession, as the case may be) of a sum of not less than \$400 ;

That you are a subject of Majesty by birth (or naturalization, as the case may be) ; and are of the full age of twenty-one years ;

(In the case of Municipalities not divided into Wards.) That you have not voted before at this election, either at this or any other polling place ;

(In the case of Municipalities divided into Wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor (Reeve or Deputy Reeve, as the case may be) ;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote or refrain from voting at this election ;

So help you God.

R. S. O. c. 174, s. 101. (37 V. c. 3, s. 4 ; 39 V. c. 5, s. 7 ; 40 V. c. 12, s. 16.)

Oath of farmer's son.

105. The oath or affirmation to be required from a farmer's son claiming to be entitled to vote shall be as follows :—

You swear (or solemnly affirm) that you are the person named (or purporting to be named by the name of) in the list (or supplementary list) of voters now shewn to you (showing the list to the voter) ;

That on the day of 18 (the day certified by the Clerk of the Municipality, as the date of the return, or of the final revision and correction of the assessment roll upon which the voters' list used at the election is based, as the case requires, A. B. (naming him or her), was actually, truly, and in good faith possessed to his (or her) own use and benefit as owner, as you verily believe, of the real estate in respect of which your name is so as aforesaid entered on said list of voters ;

That you are a son of the said A. B. ;

That you resided on the said property for twelve months next before the said day, not having been absent during that period, except temporarily, and not more than four months in all ;

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That you are still a resident of this Municipality, and entitled to vote at this election ;

That you are a subject of Her Majesty by birth (or naturalization, as the case may be) ; and are of the full age of twenty-one years ;

(In the case of Municipalities not divided into Wards.) That you have not voted before at this election, either at this or any other polling place ;

(In the case Municipalities divided into Wards.) That you have not voted before at this election, either at this or any other polling place in this Ward, and (if the elector is tendering his vote for Mayor, Reeve or Deputy Reeve) that you have not voted before or elsewhere in this Municipality at this election for Mayor, (Reeve, or Deputy Reeve, as the case may be) ;

That you have not received anything, nor has anything been promised you directly or indirectly either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected with this election ;

And that you have not directly or indirectly paid or promised anything to any person either to induce him to vote or refrain from voting at this election :

So help you God.

R. S. O. c. 174, s. 102. (40 V. c. 9, s. 9.)

106. Such oaths or affirmations shall be administered by the Returning Officer or Deputy Returning Officer as the case may be, at the request of any candidate or his authorized agent, and no inquiries shall be made of any voter, except with respect to the facts specified in such oaths or affirmations. R. S. O. c. 174, s. 103. (36 V. c. 48, s. 101.)

When and
how oaths
are to be
administered.

DIVISION IV.—PROCEEDINGS PRELIMINARY TO THE POLL.

Nomination Meetings. Secs. 107-110.

Presiding Officer. Secs. 108, 110, 113.

Provision for Christmas Day. Sec. 111.

Interval between Nomination and Election in Townships. Sec. 112.

Notice of Nomination. Sec. 114.

Proceedings at Nomination. Sec. 115.

Poll, when and where to be held. Sec. 115.

Resignations.—Notifications as to Candidates. Sec. 116.

Votes to be given by Ballot. Sec. 117.

List of Defaulters in payment of Taxes. Sec. 118.

Ballot Boxes. Sec. 119.

Ballot Papers. Secs. 120-123.

Polling Places. Secs. 123, 124.

What to be furnished to Deputy Returning Officers. Secs. 123, 125, 128, 129, 130, 131, 134.

Directions to Voters. Secs. 125, 126.

Placards to be posted. Sec. 126.

Voters' and Defaulters' Lists. Secs. 127-133.

Certificates as to the Assessment Roll. Sec. 134.

In Municipalities not divided into Wards, Clerk to perform duties of Deputy Returning Officer. Sec. 135.

Where Electors may vote. Secs. 136-140.

107.

Meeting for
nomination of
mayor, reeve,
deputy reeve,
etc.

107. A meeting of the electors shall take place for the nomination of candidates for the office of Mayor in Cities, and for Mayor, Reeve and Deputy Reeves in Towns, at the hall of the Municipality, on the last Monday in the month of December, annually, at ten of the clock in the forenoon, and the Deputy Reeves shall be designated as first, second, third, etc., according to the number to be elected. R. S. O. c. 174, s. 104. (36 V. c. 48, s. 102.)

The clerk to
preside.

Chairman.

108. The Clerk of the Municipality shall be the Returning Officer to preside at such meeting, or in case of his absence, the Council shall appoint a person to preside in his place; and if the clerk or the person so appointed does not attend, the electors present shall choose a chairman or person to officiate from among themselves, and such Clerk or chairman shall have all the powers of a Returning Officer. R. S. O. c. 174, s. 105. (36 V. c. 48, s. 103.)

Meetings in
cities, towns,
etc., for nomi-
nation of al-
dermen, etc.

109. A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen in Cities, Councillors in Towns, and of Reeves, Deputy Reeves and Councillors in Townships not divided into Wards, and incorporated Villages, at noon, on the last Monday in December, annually, at the Town Hall of such Municipalities, or at such place therein, and in Cities and Towns at such places in each Ward thereof, as may from time to time be fixed by by-law, and the Deputy Reeves shall be designated as first, second, third or fourth, according to the number to be elected. R. S. O. c. 174, s. 106; 42 V. c. 31, s. 4. (37 V. c. 16, s. 3.)

In Townships
divided into
wards.

110. In Townships divided into Wards, the nomination of candidates for the office of Reeve shall be held at ten of the clock in the forenoon on the last Monday in December, at such place in the Township as may from time to time be fixed by by-law, and the Township Clerk shall preside; the nomination of candidates for the office of Councillor, to be elected for each Ward, shall take place at noon, at the Town Hall of the Township or at such place in the Township or in each Ward as may be fixed by by-law. R. S. O. c. 174, s. 107; 42 V. c. 31, s. 5. (37 V. c. 16, s. 3.)

If nomination
day falls on
Christmas
day.

111. When the last Monday in December happens to be Christmas Day, the nomination of candidates for the offices of Mayor and Aldermen in Cities, and of Mayor, Reeve, Deputy Reeve and Councillors in other Municipalities, shall take place on the preceding Friday, at the times and places and in the manner prescribed by law. R. S. O. c. 174, s. 108. (39 V. c. 7, s. 20.)

County coun-
cil may by by-
law lengthen
time between

112. Every County Council may, by by-law, made on or before the first day of July in any year provide that the day for the nomination of candidates for Reeve, Deputy Reeves, and Councillors

Councillors in Townships shall be upon the last Monday but one nomination and polling in December, but all the other provisions of law relating to municipal elections shall apply to the elections in such Townships.

(2) Forthwith, after the passing of such by-law, the County Clerk shall transmit a copy thereof to the Clerks of the Townships to which the same relates. R. S. O. c. 174, s. 109; 42 V. c. 31, s. 6. (40 V. c. 8, s. 48.)

113. The Returning Officer appointed for each Ward, as in section 97 mentioned, or the Clerk, as the case may be, shall respectively preside at the meeting for the nomination of candidates, and in case of the absence of such presiding officer, the meeting may choose a chairman. R. S. O. c. 174, s. 110. (36 V. c. 48, s. 105, *part.*)

114. The Clerk or other Returning Officer whose duty it is to preside at the meeting for the nomination of candidates shall give at least six days' notice of such meeting. R. S. O. c. 174, s. 111. (36 V. c. 48, s. 105, *part.*)

115. At the said meetings, the person or persons to fill each office shall be proposed and seconded *seriatim*; and if no other candidate but one for any particular office is proposed, the Clerk or other Returning Officer or chairman shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate duly elected for such office. But if two or more candidates are proposed for any particular office, and if a poll is required by them respectively, or by any elector, the Clerk or other Returning Officer or chairman shall adjourn the proceedings for filling such office until the first Monday in January next thereafter, when a poll or polls shall be opened in each Ward or polling subdivision, at such place or places respectively as may be fixed by the by-law of the said Councils for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer. R. S. O. c. 174, s. 112. (36 V. c. 48, s. 106.)

116. At the nomination meeting, or at any time thereafter before the polling day, any person proposed for one or more offices may resign, or elect for which office he is to remain nominated; and in default, he shall be taken as nominated for the office in respect of which he was first proposed and seconded; the Clerk or other Returning Officer or chairman shall, on the day following that of the nomination, post up in the office of the Clerk of the Municipality the names of the persons proposed for the respective offices. R. S. O. c. 174, s. 113; 42 V. c. 31, s. 7. (36 V. c. 48, s. 108.)

117. In case of a poll at an election of persons to serve in Municipal Councils, the votes shall be given by ballot. R. S. O. c. 174, s. 114. (38 V. c. 28, s. 1.)

List

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Dec 3 90
1884
cap 32
sec 5

List of defaulters in payment of Taxes.

Preparation of
list of de-
faulters.

118. On or before the day of nomination of candidates, if the Collector's roll has been returned to the Treasurer of the Municipality, the Treasurer shall prepare and verify on oath, or if the Collector's roll has not been so returned, the Collector shall prepare and verify on oath, a correct alphabetical list of—

(a) All persons who, being on the voters' list (that is to say the first and second parts thereof) by reason of their income only, have not paid their municipal taxes on such income on or before the fourteenth day of December preceding the election, and

(b) In Municipalities which have passed by-laws under sub-section two of section 490 of this Act, all persons on the voters' list (that is to say the first and second parts thereof), who have been assessed for real property, but have not paid their municipal taxes on such property on or before the fourteenth day of December preceding the election. R. S. O. c. 174, s. 115 (1). (40 V. c. 12, s. 6.)

List to be
made for each
polling divi-
sion.

(2) Where a Municipality is divided into polling subdivisions, such a list of defaulters shall be made for each polling subdivision. R. S. O. c. 174, s. 115 (2). (40 V. c. 12, s. 7.)

Certified
copies to be
furnished.

(3) The person preparing the said defaulters' lists, shall furnish to all persons applying for the same, certified copies thereof and of the affidavit verifying the same, in the same manner and for the same compensation as copies of the voters' list are to be furnished. R. S. O. c. 174, s. 115 (3). (40 V. c. 12, s. 8.)

Ballot Boxes.

Ballot boxes to
be furnished.

119. Wherever a poll is required, the Clerk of the Municipality shall procure or cause to be procured as many boxes (hereinafter called ballot boxes) as there are Wards or polling subdivisions within the Municipality.

How made.

(2) The ballot boxes shall be made of some durable material, shall be provided with a lock and key, and shall be so constructed that the ballot paper can be introduced therein, and cannot be withdrawn therefrom unless the box be unlocked.

Delivery of to
deputy return-
ing officers.

(3) When it becomes necessary for the purposes of an election to use the ballot boxes, it shall be the duty of the Clerk of the Municipality, two days at least before the polling day, to deliver one of the ballot boxes to every Deputy Returning Officer appointed for the purposes of the election.

Clerk to pre-
serve boxes
for future
elections.

(4) The ballot boxes, when returned to the Clerk after the election, shall be preserved by him for use at elections for the Municipality; and it shall be the duty of the Clerk to have ready for use, at all times, as many ballot boxes as there are Wards or polling subdivisions in the Municipality.

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S of C - 1887 -
Cap 29 Dec 3 -

Dec - 16 Dec
130 pages 46.

(5) If the Clerk fails to furnish ballot boxes in the manner herein provided, he shall incur a penalty of \$100 in respect of every ballot box which he has failed to furnish in the manner prescribed. Penalty on failure to furnish boxes.

(6) It shall be the duty of the Deputy Returning Officer in every Ward or polling subdivision not supplied with a ballot box within the time prescribed, forthwith to procure one to be made, and he may issue his order upon the Treasurer of the Municipality in which such Ward or polling subdivision is situate for the cost of the ballot box, and the Treasurer shall pay to the Deputy Returning Officer the amount of the order. Deputy returning officers to procure boxes when not supplied.

R. S. O. c. 174, s. 116. (38 V. c. 28, s. 2.)

Ballot Papers.

120. Where a poll is required, the Clerk of the Municipality shall forthwith cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the election. Ballot papers to be printed.

(2) Every ballot paper shall contain the names of the duly nominated candidates, arranged alphabetically in the order of their surnames; or if there are two or more candidates with the same surname, then in the order of their other names. Contents and form of ballot papers.

R. S. O. c. 174, s. 117. (38 V. c. 28, s. 3.)

121. The names of the candidates for Mayor in Cities, and for Mayor, Reeve and Deputy Reeve in Towns, shall not be included in the same ballot paper with the names of the candidates for Aldermen and Councillors respectively; but Different sets of ballot papers to be prepared.

(2) In Cities one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the Candidates for Mayor, and another kind or set shall be prepared for each Ward or polling subdivision containing the names of the candidates for Aldermen in the Ward; and In cities.

(3) In Towns one kind or set of ballot papers shall be prepared for all the Wards or polling subdivisions, containing the names of the candidates for Mayor and Reeve and Deputy Reeve, and another kind or set shall be prepared for each Ward or polling subdivision, containing the names of the candidates for Councillors in the Ward; and In towns.

(4) In Townships divided into wards, one kind or set of ballot papers shall be prepared for all the Wards, containing the names of the candidates for Reeve, and another kind or set shall be prepared for each Ward, containing the names of the candidates for Councillors in the Ward. Townships divided into wards.

122. The ballot papers shall be in the form of Schedule A to this Act. Form of ballot papers.

Polling

Polling Places.

Clerk to furnish deputy returning officers with ballot papers, etc.

123. In case of Municipalities which are divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer the ballot papers which have been prepared for use in the Ward or polling subdivision for which such Deputy Returning Officer has been appointed to act, and shall also furnish to the Deputy Returning Officer or see that he is furnished with the necessary materials for voters to mark the ballot papers; and such materials shall be kept at the polling place by the Deputy Returning Officer for the convenient use of voters. R. S. O. c. 174, s. 120. (38 V. c. 28, s. 5.)

Compartment wherein voters may mark votes.

124. Every polling place shall be furnished with a compartment in which the voters can mark their votes screened from observation; and it shall be the duty of the Clerk of the Municipality and Deputy Returning Officers respectively, to see that a proper compartment for that purpose is provided at each polling place. R. S. O. c. 174, s. 121. (38 V. c. 28, s. 4.)

Directions to Voters.

Clerk to furnish deputy returning officer with directions for voters' guidance.

125. In case of Municipalities divided into Wards or polling subdivisions, the Clerk of the Municipality shall, before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer such a number of printed directions, for the guidance of voters in voting, as he may deem sufficient, and shall so deliver or cause to be so delivered at least ten copies of such printed directions; such directions shall be printed in conspicuous characters, and may be according to the form in Schedule B to this Act. R. S. O. c. 174, s. 122. (38 V. c. 28, s. 6.) ✕

Deputy returning officers to placard the directions.

126. Every Deputy Returning Officer shall before the opening of the poll, or immediately after he has received such printed directions from the Clerk of the Municipality, if he did not receive the same before the opening of the poll, cause such printed directions to be placarded outside the polling place for which he is appointed to act, and also in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. R. S. O. c. 174, s. 123. (38 V. c. 28, s. 7.)

Voters' and Defaulters' Lists.

Proper voters' list to be used at an election.

127. Subject to the provisions of the three next sections the proper list of voters to be used at an election shall be the first and second parts of the last list of voters certified by the Judge and delivered or transmitted to the Clerk of the Peace under "The Voters' Lists Act." R. S. O. c. 174, s. 124. (40 V. c. 12, s. 20.)

128.

✕ also 2 copies of Bill entitled "Corrupt Practices"

128. For the first election of a new Municipality for which there is no separate assessment roll, the Clerk of the Municipality shall provide each Deputy Returning Officer with a poll book, prepared according to the form of Schedule C to this Act instead of a voters' list, and either the Deputy Returning Officer or his sworn Poll Clerk shall therein enter, in the proper column, the names of each person offering to vote, and at the request of any candidate or voter, shall note the property on which the person claims to vote opposite his name. R. S. O. c. 174, s. 125. (See 36 V. c. 48, s. 79; 38 V. c. 28, s. 8; and 39 V. c. 5, s. 9.)

For first election in new municipality.

129. Where any territory is added for municipal purposes, to any City, Town, or Village, or where a Town with additional territory is erected into a City, or a Village with additional territory is erected into a Town, or where a new Village is formed, and an election takes place before voters' lists including the names of the persons entitled to vote in such territory are made out, or before such lists are certified by the Court Judge—in all such cases, the Clerk of the new or enlarged City, Town, or Village shall extract the names of the several persons who would be entitled to vote in the territory composing or added to (as the case may be) the City, Town, or Village if such territory had remained separate from the City, Town, or Village, from the last filed or certified voters' list of the Municipality or Municipalities to which such territory formerly belonged, containing the names of the persons entitled to vote in respect of such territory, and shall place such names in lists or supplementary lists (as the case may be).

Voters' lists in cases under section 84.

(2) Such lists or supplementary lists shall be made in the form of Schedule C to this Act, and shall be signed by the Clerk, and delivered by him to the proper Deputy Returning Officers for the purpose of enabling the persons named in such lists to vote at the election. R. S. O. c. 174, s. 126. (38 V. c. 3, ss. 16, 17.) See 36 V. c. 48, s. 79.

Form of supplementary lists.

130. In any Municipality for which there is a separate assessment roll, but for which no voters' list for the Municipality has been filed with the Clerk of the Peace or certified by the County Judge under "The Voters' Lists Act," the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every or any Ward or polling subdivision, a list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all male persons appearing by the then last revised assessment roll to be entitled to vote in that Ward or polling subdivision, and shall attest the said list by his solemn declaration in writing under his hand.

Persons in arrears for taxes shall be excluded from list.

(2) In the case of

(a) Income voters, and

(b)

128.

practices

*Defaulters
to be
excluded*

(b) Persons assessed for real property, if the Municipality has passed a by-law under sub-section 2 of section 490 of this Act, the Clerk shall exclude from such list such persons as may be returned to him by the Treasurer as being in default for not having paid their municipal taxes respectively on or before the fourteenth day of December preceding the election; and every list of voters so prepared shall be the proper voters' list to be used at the election. R. S. O. c. 174, s. 127. (38 V. c. 28, s. 8; 39 V. c. 5, ss. 6 (1), 9.) - *see also sec 118/7 42*

Delivery of
copies of
voters' list
and defaulters'
list to deputy
returning
officers.

131. In the case of Municipalities which are divided into Wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, deliver to the Deputy Returning Officer for each Ward or polling subdivision, a copy, according to the form of Schedule C to this Act, certified to be correct, of the proper list of voters for the Ward or polling subdivision under section 127 and following sections; and also a copy of the proper defaulters' list for the polling subdivision, certified by the Treasurer or Collector, pursuant to section 118 of this Act. R. S. O. c. 174, s. 128. (40 V. c. 12, s. 9.) *See 39 V. c. 5, s. 5 (2).*

Copies may be
prepared by
clerk of muni-
cipality or pro-
cured from
clerk of peace.

132. The copies of the voters' lists in the last section mentioned, may be prepared by the Clerk of the Municipality, or may be procured from the Clerk of the Peace, if filed under "The Voters' Lists Act," and in the latter case the Clerk of the Peace shall be entitled to receive the sum of six cents for every ten voters whose names are on the list. R. S. O. c. 174, s. 129. (40 V. c. 12, s. 10.)

Defaulters' list
to be evidence
for deputy re-
turning officer
as to payment
of taxes.

133. The defaulters' lists furnished and verified by the Treasurer or Collector as aforesaid, shall be the evidence on which the Deputy Returning Officers shall act in ascertaining the payment or non-payment of taxes by persons claiming to vote in respect of income, or in respect of real property, in the cases mentioned in section 118 of this Act. R. S. O. c. 174, s. 130. (40 V. c. 12, s. 11.)

Certificates as to the Assessment Roll.

Clerk to give
certificate of
dates of re-
turn and final
revision of
assessment
roll.

134. The Clerk of the Municipality shall before the opening of the poll, deliver or cause to be delivered to every Deputy Returning Officer a certificate (which may be in the form of Schedule D to this Act), of (1) the day when the assessment roll upon which the voters' list to be used at the election is based, was returned by the Assessor, and also (2) of the day when the said assessment roll was finally revised and corrected.

Fee for cer-
tificates.

Penalty for
neglect.

(2) The Clerk shall also give such certificate upon payment of the sum of twenty-five cents, to any person applying for the same, under a penalty of \$200 in case of neglect or refusal. (3)

(3) Such certificate, when delivered to the Deputy Returning Officer, shall be the evidence upon which he shall act in inserting in the oath to be administered to voters the date of the return or final revision and correction of the assessment roll as the case may be. To be evidence of such date at the poll.

(4) An assessment roll shall be understood to be finally revised and corrected when it has been so revised and corrected by the Court of Revision for the Municipality, or by the Judge of the County Court in case of an appeal, as provided by "The Assessment Act," or when the time during which such appeal may be made has elapsed, and not before. When assessment roll to be considered as finally revised and corrected. R. S. O. c. 174, s. 131. (40 V. c. 12, s. 12.) R. S. O. c. 180.

Municipalities not divided into Wards.

135. In case of Municipalities which are not divided into Wards or polling subdivisions, the Clerk shall perform the duties which in other cases are performed by Deputy Returning Officers, and shall provide himself with the necessary ballot papers, and also with the materials for marking ballot papers, and printed directions before mentioned, copies of the voters' list and defaulters' list, and certificate of the dates of the return and final revision of the assessment roll, similar to those required to be furnished to Deputy Returning Officers; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon a Deputy Returning Officer in respect of a Ward or polling subdivision. In Municipalities not divided into wards or polling subdivisions, clerk to perform duties of deputy returning officers. R. S. O. c. 174, s. 132. (38 V. c. 28, s. 9; 40 V. c. 12, s. 14 (2).)

Where Electors may vote.

136. In Towns and Cities, every elector may vote in each Ward in which he has been rated for the necessary property qualification, but in case of Mayor of Cities, Mayor, Reeve or Deputy Reeve of Towns, the elector is limited to one vote. Voting in towns and cities. R. S. O. c. 174, s. 133. (36 V. c. 48, s. 80.)

137. In Townships and incorporated Villages divided into Wards or Polling subdivisions, no elector shall vote in more than one Ward or polling subdivision for the same candidate. Voting in townships and villages. R. S. O. c. 174, s. 134. (36 V. c. 48, s. 81.)

138. Every elector who is entitled to a vote in more than one Ward or polling subdivision shall vote for Mayor in Cities, and for Mayor, Reeve, and Deputy Reeve in Towns, and for Reeve in Townships divided into Wards, at the polling place of the Ward or polling subdivision in which he is resident, if qualified to vote therein; or otherwise where he first votes, and there only. Where persons are to vote for mayor, reeve, and deputy reeve. R. S. O. c. 174, s. 135. (39 V. c. 5, s. 3.)

139. Any person who votes for Mayor, Reeve, or in Towns or Townships for Deputy Reeve, after having already voted for Penalty for voting twice for mayor,

reeve or
deputy reeve.

for Mayor, Reeve, or Deputy Reeve at some other polling place at that election, shall incur a penalty of \$50, to be recovered, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered shall be ineligible either as a candidate or elector at the next annual elections. R. S. O. c. 174, s. 136. (39 V. c. 5, s. 4.)

Certificate to
entitle deputy
returning
officers, poll
clerks, and
agents to vote
where sta-
tioned.

140. The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as an agent of a candidate to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during the polling day; and such certificate shall also state the property or other qualification in respect of which he is entitled to vote.

Right to vote
on production
of certificate.

(2) On the production of such certificate, such Deputy Returning Officer, Poll Clerk, or agent shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling station where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk, or agent during the day of polling; nor to vote for Aldermen in Cities, or Councillors in Municipalities divided into Wards, except in the Ward where he would otherwise be entitled so to vote.

Who to
administer
oath.

(3) In case of a Deputy Returning Officer voting at the polling station where he has been appointed, the Poll Clerk appointed to act at such polling place, or in the absence of the Poll Clerk any elector authorized to be present, may administer to such Deputy Returning Officer the oath required by law to be taken by voters. R. S. O. c. 174, s. 137. (39 V. c. 5, s. 10.)

DIVISION V.—THE POLL.

- Ballot box to be exhibited.* Sec. 141.
Duty of Deputy Returning Officer. Secs. 141-144.
How votes to be received. Secs. 142-144.
How ballot paper to be marked. Sec. 145.
Exclusion from balloting compartment. Sec. 146.
Ballot papers not to be taken away. Sec. 147.
Proceedings in case of incapacity to mark ballot. Sec. 148.
Ballot paper inadvertently spoiled. Sec. 149.
Who may be present in polling place. Sec. 150. Counting

46 VIC.

Counting the votes—Objections—Statement. Sec. 151.

Who may be present at the counting of the votes. Sec. 152.

Certificates of state of poll. Sec. 153.

Returns, etc., to be made by Deputy Returning Officers.

Sec. 154.

Clerk to cast up votes and declare who is elected. Secs. 155,

159.

Right of Clerk, Deputy Returning Officers and Poll Clerks to vote. Sec. 156.

Riots. Secs. 157, 158.

Oaths of office to be taken by persons elected. Sec. 160.

141. The Deputy Returning Officer shall, immediately before the commencement of the poll, shew the ballot box to such persons as are present in the polling place, so that they may see that it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal; and he shall then place the box in his view for the receipt of ballot papers, and shall keep it so locked and sealed. R. S. O. c. 174, s. 138. (38 V. c. 28, s. 10.)

Deputy re-
turning officer
to shew box
empty to per-
sons present
and then lock
and seal it.

142. Where any person claiming to be entitled to vote presents himself for the purpose of voting, the Deputy Returning Officer shall proceed as follows:

Proceedings
by deputy re-
turning officer
on tender of
vote.

(1) He shall ascertain that the name of such person is entered or purports to be entered upon the voters' list for the Ward or polling subdivision for which such Deputy Returning Officer is appointed to act. Name.

(2) He shall record or cause to be recorded in the proper column of the voters' list, the residence and the legal addition of such person. Recording.

(3) If such person shall take the oath or affirmation required to be taken by voters in the manner directed by sections 102 to 105 inclusive of this Act, the Deputy Returning Officer shall enter or cause to be entered opposite such person's name, in the proper column of the said voters' list, the word "Sworn," or "Affirmed," according to the fact. Oath.

(4) Where the vote is objected to by any candidate or his agent, the Deputy Returning Officer shall enter the objection, or cause the same to be entered in the voters' list, by writing opposite the name of such person in the proper column, the words "Objected to," stating at the same time by which candidate or on behalf of which candidate the objection has been made, by adding after the words "Objected to," the name only of such candidate. Objection.

(5) Where such person as aforesaid has been required to take the oath or affirmation, and refuses to take the same, the Deputy Returning Officer shall enter or cause to be entered opposite the name of such person, in the proper column of the voters' list, the words "Refused to take the oath." Refusal to take the oath.

voters' list, the words "Refused to be Sworn," or "Refused to Affirm," according to the fact; and the vote of such person shall not be taken or received; and if the Deputy Returning Officer takes or receives such vote, or causes the same to be taken or received, he shall incur a penalty of \$200.

Deputy re-
turning officer
to sign name
on ballot
paper. (6) Where the proper entries respecting the person so claim-
ing to vote have been made in the voters' list in the manner
prescribed, the Deputy Returning Officer shall sign his name
or initials upon the back of the ballot paper.

Delivery of
paper to voter. (7) The ballot paper shall be delivered to such person.

Deputy re-
turning officer
to explain
mode of vot-
ing. (8) The Deputy Returning Officer may, and upon request
shall, either personally or through his sworn Poll Clerk, explain
to the voter, as concisely as possible, the mode of voting. R.
S. O. c. 174, s. 139. (38 V. c. 23, s. 11.)

Deputy re-
turning officer
refusing, etc.,
to initial
ballot paper. **143.** Every Deputy Returning Officer refusing, or wilfully
omitting to sign his name or initials upon the back of the
ballot paper, as provided for by sub-section six of section 142
of this Act, shall forfeit to any person aggrieved by such re-
fusal, or omission, the sum of \$10, in respect of every ballot
paper deposited at his polling sub-division, upon which the
said Deputy Returning Officer has not signed his name or
initials as aforesaid; and the same may be recovered in the
manner provided for the recovery of penalties by section 212
of this Act. *New.*

Deputy re-
turning officer
to note in list
voters to whom
ballot papers
given. **144.** The Deputy Returning Officer shall place, or cause
to be placed, in the columns of the voters' list, headed "Mayor,"
"Reeve," (or "Mayor and Reeve"), "Alderman," and "Coun-
cillor," as the case may be, his initials opposite the name
of every voter receiving a ballot paper, to denote that the
voter has received a ballot paper for Mayor, Reeve, Alder-
man, or Councillor as the case may be. R. S. O. c. 174, s.
140; 44 V. c. 24, s. 1. (39 V. c. 5, s. 5 (2).)

Marking bal-
lot paper.

initials
list
145. Upon receiving from the Deputy Returning Officer the
ballot paper so prepared as aforesaid, the person receiving the
same shall forthwith proceed into the compartment provided for
the purpose, and shall then and therein mark his ballot paper
in the manner mentioned in the directions contained in Schedule
B to this Act, by placing a cross, thus x, on the right-hand
side, opposite the name of any candidate for whom he desires
to vote, or at any other place within the division which
contains the name of such candidate, and he shall then
fold the ballot paper across, so as to conceal the names of
the candidates, and the marks upon the face of such paper,
and so as to expose the initials of the Deputy Returning
Officer, and leaving the compartment, shall, without delay, and
without shewing the front to any one or so displaying the
ballot paper as to make known to any person the names of the
candidates

Marking
Ballots!

"Refused to
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upon request
Clerk, explain
of voting. R.

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S. O. c. 174, s.

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Deputy Returning
without delay, and
so displaying the
on the names of the
candidates

candidates for or against whom he has marked his vote, deliver such ballot paper so folded to the Deputy Returning Officer, who shall without unfolding the same, or in any way disclosing the names of the candidates, or the marks made by such elector, verify his own initials, and at once deposit the same in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. R. S. O. c. 174, s. 141; 43 V. c. 24, s. 4. (38 V. c. 28, s. 12.)

146. While any voter is in any balloting compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in any position from which he can observe the mode in which the voter marks his ballot paper. R. S. O. c. 174, s. 142; 41 V. c. 8, s. 19. (38 V. c. 28, s. 13.)

147. No person who has received a ballot paper from the Deputy Returning Officer shall take the same out of the polling place; and any person having so received a ballot paper, who leaves the polling place without first delivering the same to the Deputy Returning Officer in the manner prescribed, shall thereby forfeit his right to vote; and the Deputy Returning Officer shall make an entry in the voters' list, in the column for remarks, to the effect that such person received a ballot paper, but took the same out of the polling place, or returned the same, declining to vote, as the case may be; and in the latter case the Deputy Returning Officer shall immediately write the word "Declined" upon such ballot paper, and shall preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as hereinafter directed. R. S. O. c. 174, s. 143. (38 V. c. 28, s. 14.)

148. In case of an application by any person claiming to be entitled to vote, who is incapacitated by blindness or other physical cause from marking his ballot paper, or in case of any person claiming to be entitled to vote who makes a declaration that he is unable to read, the proceedings shall be as follows:—

(1) The Deputy Returning Officer shall, in the presence of the agents of the candidates, cause the vote of such person to be marked on a ballot paper in manner directed by such person and shall place the ballot paper in the ballot box.

(2) The Deputy Returning Officer shall state or cause to be stated in the voters' list, by an entry opposite the name of such person in the proper column of the said voters' list, that the vote of such person is marked in pursuance of this section, and the reason why it is so marked.

(3)

(3) The declaration of inability to read, or of incapacity to mark a ballot paper, may be in the form of Schedule E to this Act, and shall be made by the person claiming to be entitled to vote, at the time of the polling, before the Deputy Returning Officer, who shall attest the same as nearly as may be according to the form given in Schedule F to this Act, and the said declaration shall be given to the Deputy Returning Officer at the time of voting. R. S. O. c. 174, s. 144. (38 V. c. 28, s. 15.)

Proceedings in case ballot paper cannot be used.

149. A person claiming to be entitled to vote, who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper, may, on delivering to the Deputy Returning Officer the ballot paper so inadvertently dealt with, and proving the fact of the inadvertence to the satisfaction of the Deputy Returning Officer, obtain another ballot paper in the place of the ballot paper so delivered up, and the Deputy Returning Officer shall immediately write the word "Cancelled" upon such ballot paper, and preserve the same; and in case the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall return said ballot paper to the Clerk of the Municipality, as herein-after directed. R. S. O. c. 174, s. 145. (38 V. c. 28, s. 16.)

Who may be present at polling place.

150. During the time appointed for polling no person shall be entitled or permitted to be present in any polling place, other than the officers, candidates, clerks, or agents authorized to attend at such polling place, and such voter as is for the time being actually engaged in voting; it shall at all times be lawful for the Deputy Returning Officer to have present or to summon to his assistance in such polling place, any police constable or peace officer, for the purpose of maintaining order, or of preserving the public peace, or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such Deputy Returning Officer, be obstructing the polling or wilfully violating any of the provisions of this Act. R. S. O. c. 174, s. 146. (38 V. c. 28, s. 17.)

Counting the votes.

151. Immediately after the close of the poll in every polling place, the Deputy Returning Officer shall, in the presence of the Poll Clerk (if any) and of such of the candidates or of their agents as may then be present, open the ballot box, and proceed to count the votes as follows:—

Rejected ballots.

(1) He shall examine the ballot papers, and any ballot paper which has not on its back the name or initials of the Deputy Returning Officer, or on which more votes are given than the elector is entitled to give, or on which anything, except the initials or name of the Deputy Returning Officer on the back, is written or marked, by which the voter can be identified, shall be void, and shall not be counted; and any ballot paper on which

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Deputy Return-
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Deputy Returning
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c. 28, s. 16.)

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which votes are given for a greater number of candidates for any office than the voter is entitled to vote for, shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for. R. S. O. c. 174, s. 147. (38 V. c. 28, s. 18 (1); 40 V. c. 7, *Sched. A.* (169).)

X (2) The Deputy Returning Officer shall take a note of any objection made by any candidate, his agent, or any elector authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. R. S. O. c. 174, s. 147 (2). (39 V. c. 5, s. 11.)

Deputy re-
turning officer
to note objec-
tions taken to
ballot papers
at the count-
ing,

X { (3) Each objection shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. R. S. O. c. 174, s. 147 (3). (39 V. c. 5, s. 11 (2).)

and number
objection and
ballot paper
to correspond.

(4) The Deputy Returning Officer shall endorse "Rejected" on any ballot paper which he rejects as invalid, and shall endorse "Rejection objected to," if any objection is made to his decision. R. S. O. c. 174, s. 147 (4). (38 V. c. 28, s. 18 (2).)

Endorsing
ballot paper.

(5) The Deputy Returning Officer shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement, in words as well as in figures, of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which shall be made under the several heads—

- (a) Name or number of Ward or polling subdivision and of the Municipality and the date of election;
- (b) Number of votes for each candidate;
- (c) Rejected ballot papers.

R. S. O. c. 174, s. 147 (5). (38 V. c. 28, s. 18 (3); 39 V. c. 5, s. 14.)

(6) Upon the completion of such written statement, it shall be forthwith signed by the Deputy Returning Officer, the Poll Clerk, if any, and such of the candidates or their agents as may be present, and desire to sign such statement. R. S. O. c. 174, s. 147 (6). (38 V. c. 28, s. 18 (4).)

Statement to
be signed.

152. No more than two agents for any candidate shall be entitled to be present at the same time at the counting of the votes. R. S. O. c. 174, s. 148. (38 V. c. 28, s. 18 (5).)

Agents en-
titled to be
present.

153. Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place, a certificate of the number of votes given at that polling place for each candidate, and of the number of rejected ballot papers. R. S. O. c. 174, s. 149. (39 V. c. 5, s. 15.)

Deputy re-
turning officer
to give certi-
cate of state of
poll.

154.

Deputy re-
turning offi-
cer's duties
after votes are
counted.

154. Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and at the completion of the counting of votes after the close of the poll, shall, in the presence of the agents of the candidates, make up into separate packets, sealed with his own seal, and the seals of such agents of the candidate as desire to fix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the election, the name of the Deputy Returning Officer, and of the Ward or polling subdivision and Municipality;

*Envelopes
required*

- (a) The statement of votes given for each candidate and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) A statement of the number of voters whose votes are marked by the Deputy Returning Officer under the heads "Physical incapacity," and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot-box.

Declaration
by deputy re-
turning officer
as to use of
voters' list.

(2) Before returning the said voters' list to the Clerk of the Municipality the Deputy Returning Officer shall make and subscribe before such Clerk, or a Justice of the Peace or the Poll Clerk, his declaration under oath that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list, and such voters' list and declaration may be inspected at any time, in presence of the Clerk, by any elector of the Municipality.

Packets of
ballot papers
etc., to be de-
livered to the
clerk of muni-
cipality.

(3) If the Clerk of the Municipality is not himself performing the duties of Deputy Returning Officer, the Deputy Returning Officer shall forthwith deliver such packets personally to the Clerk of the Municipality; and if he is unable to do so, owing to illness or other cause, he shall deliver such packets to a person chosen by him for the purpose of delivering the same to the Clerk; and shall mention on the outside of the cover of each of the packets the name of the person to whom the same had

had been so delivered, and shall take a proper receipt therefor; he shall also forthwith return the ballot box to the Clerk of the Municipality.

(4) The packets shall be accompanied by a statement made by the Deputy Returning Officer, shewing the number of ballot papers entrusted to him, and accounting for them under the heads of (1) Counted; (2) Rejected; (3) Unused; (4) Spoiled; (5) Ballot papers given to voters who afterwards returned the same, declining to vote, and (6) Ballot papers taken from the polling place; which statement shall give the number of papers under each head, and is in this Act referred to as the "Ballot Paper Account."

Statement to be made by deputy returning officer on return of ballot papers, etc.

(5) If the Deputy Returning Officer and one or more of the candidates or of the agents of the candidates present at the examination and counting of the ballot papers are unable to agree as to the written statement to be made by the Deputy Returning Officer the packages of ballot papers shall be broken open by the Clerk of the Municipality, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may be present on the day succeeding the polling day, at an hour and place to be appointed, and of which they have been notified by the Deputy Returning Officer, unless the distance necessary to be travelled is such that the appointed place cannot be reached on the day following the poll, in which case a reasonable time shall be allowed, and no more, for the purpose of coming before the Clerk of the Municipality; and the Clerk of the Municipality, after examining the ballot papers, shall finally determine the matter in dispute, and sign the written statement hereinbefore mentioned: and the Clerk of the Municipality shall forthwith, in the presence of the Deputy Returning Officer and such of the candidates or of their agents as may then be present, securely seal up the ballot papers which have been examined by him into their several packages as before. R. S. O. c. 174, s. 150; 44 V. c. 24, ss. 2, 3. (38 V. c. 28, ss. 19, 20; 39 V. c. 5, ss. 12, 13.)

If dispute as to result arises how to be settled.

155. The Clerk of the Municipality, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, without opening any of the sealed packets of ballot papers, cast up the number of votes for each candidate from such statements; and shall at the Town Hall, or, if there is no Town Hall, at some other public place, at noon on the day following the return of such ballot papers and statements, publicly declare to be elected the candidate or candidates having the highest number of votes, and shall also put up in some conspicuous place a statement under his hand shewing the number of votes for each candidate. R. S. O. c. 174, s. 151. (38 V. c. 28, s. 21.)

Clerk to cast up votes and declare who is elected, etc.

Poll declared

156. In case it appears, upon the casting up of the votes as aforesaid, that two or more candidates have an equal number of votes, the clerk to have a casting vote;

In case of a tie clerk to have a casting vote;

votes, the Clerk of the Municipality, or other person appointed by by-law to discharge his duties of Clerk in his absence or incapacity through illness, and whether otherwise qualified or not, shall, at the time he declares the result of the poll, give a vote for one or more of such candidates, so as to decide the election.

but otherwise
not to vote.

(2) Except in such case, no Clerk of the Municipality shall vote at any municipal election held in his Municipality. *See* sec. 321, *post*.

Deputy
returning
officers, etc.,
may vote if
qualified.

(3) All Deputy Returning Officers and persons employed as Deputy Returning Officers and Poll Clerks, if otherwise qualified, shall be entitled to vote. R. S. O. c. 174, s. 152. (38 V. c. 28, s. 22.)

Election not
commenced, or
interrupted by
reason of riot
etc., to be re-
sumed.

157. In case, by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer, or Deputy Returning Officer, as the case may be, shall hold or resume the election on the following day at the hour of ten o'clock in the forenoon, and continue the same from day to day, if necessary, for four days, until the poll has been opened without interruption, and with free access to voters for twelve hours in all, or thereabouts, in order that all the electors so intending may have had a fair opportunity to vote. R. S. O. c. 174, s. 153. (38 V. c. 28, s. 23.)

If election is
prevented for
four days, poll
book is to be
returned, and
a new election
ordered.

158. But in case the election has not, by the end of the fourth day from the day the same commenced or should have commenced, been kept open for the said twelve hours, the Returning Officer, or Deputy Returning Officer, as the case may be, shall not return any person as elected, but shall return his voters' list and ballot papers on the following day to the head of the Municipality, certifying the cause of there not having been an election; and a new election shall take place, and the head of the Municipality shall forthwith issue his warrant therefor. R. S. O. c. 174, s. 154. (38 V. c. 28, s. 24.) *See also* sec. 180.

Declaration of
election—duty
of the Clerk.

159. When a poll has been duly held in each of such Wards or polling subdivisions, and the ballot papers and statements hereby directed to be returned to the Clerk have been so returned to him, the Clerk shall, without opening any of the sealed packets of ballot papers, cast up from said statements the number of votes given for each candidate for any office in respect whereof the election has not been previously declared, together with the votes appearing by the statements previously returned for other Wards to be given for the candidate, and shall at noon on the next day, at the Town Hall, or if there is no Town Hall, at some other public place, publicly declare to be elected the candidate or candidates having the largest number of votes polled. R. S. O. c. 174, s. 155. (38 V. c. 28, s. 26.)

160. The person or persons so elected shall make the necessary declarations of office and qualification and assume office accordingly. R. S. O. c. 174, s. 156. (36 V. c. 48, s. 119.)

DIVISION VI.—MISCELLANEOUS PROVISIONS.

Disposition of Ballot Papers. Sec. 161.

Inspection of Ballot Papers. Sec. 162.

Recount of Votes. Secs. 162-164.

Production of documents, how far evidence, etc. Sec. 165.

Offences and Penalties. Secs. 166, 167.

Secrecy of proceedings at polling places. Secs. 168-170.

Candidates may do Agents' duty. Sec. 171.

Non-attendance of Agents. Sec. 172.

Computation of time. Sec. 173.

Technical objections not to prevail. Sec. 174.

Expenses of Clerk of Municipality, etc. Sec. 175.

161. The Clerk of the Municipality shall retain for one month all ballot papers received by him or forwarded to him in pursuance of this Act by Deputy Returning Officers, and then, unless otherwise directed by an order of a Court or Judge of competent jurisdiction, shall cause them to be destroyed in the presence of two witnesses, whose declaration that they have witnessed the destruction of such papers shall be taken before the head of the Municipality, and filed amongst the records of the Municipality by the said Clerk. R. S. O. c. 174, s. 157. (38 V. c. 28, s. 27.)

162. No person shall be allowed to inspect any ballot papers in the custody of the Clerk of the Municipality except under the order of a Court or Judge of competent jurisdiction, to be granted by the Court or Judge on being satisfied by evidence on oath that the inspection or production of such ballot papers is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election or return; and any such order for the inspection or production of ballot papers shall be obeyed by the Clerk of the Municipality.

(2) Such order may be made subject to such conditions as to persons, time, place, and mode of opening or inspection as the Court or Judge making the order thinks expedient. R. S. O. c. 174, s. 158. (38 V. c. 28, s. 28.)

(3) In case it is made to appear, on the affidavit of any credible person, to the County Judge of the County in which the Municipality is situated, at any time within fourteen days from the time the ballot papers are received by the Clerk of the Municipality, that any Deputy Returning Officer at any election in such Municipality for Mayor, Alderman, Reeve, Deputy

Deputy Reeve, Councillor, or Water Commissioner, in counting the votes has improperly counted or rejected any ballot papers at any such election, the said County Judge may appoint a time to re-count the votes, and shall give notice in writing to the candidates of the time and place at which he will proceed to re-count the same.

Deposit by applicant.

(4) At the time of the application for a re-count, the applicant shall deposit with the Clerk of the County Court the sum of \$25 as security for the payment of costs, charges and expenses that may become payable by the applicant, and the said sum shall not be paid out by the Clerk without the order of the Judge.

Who may be present on re-count.

(5) The County Judge, the Clerk of the Municipality with the ballot boxes, and each candidate and his agent appointed to attend such re-count of votes, and no other person except with the sanction of the County Judge shall be present at such re-count of the votes.

Opening of packets.

(6) At the time and place appointed the said County Judge shall proceed to re-count all the votes or ballot papers received by the said Clerk of the Municipality, and shall in the presence of the parties aforesaid, if they attend, or in the presence of such of them as do attend, open the sealed packets containing (a) the used ballot papers which have not been objected to and have been counted; (b) the ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer; (c) the rejected ballot papers; (d) the spoiled ballot papers; (e) the unused ballot papers, and in re-counting the said votes care shall be taken that the mode in which any particular voter has voted shall not be discovered.

The re-count to be a continuous proceeding.

(7) The County Judge shall, as far as practicable, proceed continuously with such re-count of the votes, allowing only time for refreshment, excluding only Sundays and, on other days (except so far as he and the parties aforesaid agree), the hours between six o'clock in the evening and nine on the succeeding morning. During the excluded time the said County Judge shall place the ballot papers and other documents relating to the election under his own seal, and the seals of such other of the parties as desire to affix their seals, and shall otherwise take precautions for the security of such papers and documents.

Procedure on re-count.

(8) The County Judge shall proceed to re-count the vote as follows:

1. He shall examine the ballot papers.

2. Any ballot paper on which votes are given to more candidates than are to be elected, or on which anything except the name or initials of the Deputy Returning Officer on the back is written or marked by which the voter can be identified, shall be void and shall not be counted, but any ballot paper on which

which votes are given for a greater number of candidates for any office than the voter is entitled to vote for shall be void as regards all the candidates for such office, but shall be good as regards the votes for any other offices in respect to which the voter has not voted for more candidates than he is entitled to vote for.

3. The County Judge shall take a note of any objection made by a candidate or by his agent to any ballot paper found in the ballot box, and shall decide any question arising out of the objection, and the decision of the County Judge shall be final.

4. The County Judge shall then count up the votes given for each candidate upon the ballot papers not rejected, and make up a written statement in words as well as in figures of the number of votes given for each candidate, and of the number of ballot papers rejected and not counted by him, which statement shall be made under the several heads following:

- (a) Name of Municipality;
- (b) Names of the candidates;
- (c) Number of votes for each candidate;
- (d) Papers wanting signature or initials of Deputy Returning Officer;
- (e) Papers rejected as voting for more candidates than entitled to;
- (f) Papers rejected as having a writing or mark by which voters could be identified;
- (g) Papers rejected as unmarked or void for uncertainty.

5. Upon the completion of such re-count, or as soon as he has thus ascertained the result of the poll, the said County Judge shall seal up all the said ballot papers in separate packets, and shall forthwith certify the result to the Clerk of the Municipality, who shall then declare to be elected the candidate having the highest number of votes; and in case of an equality of votes, the Clerk of the Municipality shall have the casting vote as provided in section 156 of this Act. *New.*

163. Nothing in the preceding section contained shall destroy or prevent any remedy which any person or persons may now have under or by *quo warranto* or otherwise. *New.* Existing remedies not affected.

164. All costs, charges and expenses of, and incidental to an application for a re-count and to the proceedings consequent thereon shall be defrayed by the parties to the application in such manner and in such proportion as the Judge may determine, regard being had to the disallowance of any costs, charges or expenses which may in the opinion of Costs of application.

of the Judge have been caused by vexatious conduct, unfounded allegations, or unfounded objections on the part either of the applicant or the respondent, and regard being had to the discouragement of any needless expense by throwing the burden of defraying the same on the parties by whom it has been caused, whether such parties are or are not on the whole successful.

Taxation of costs.

(2) The costs may be taxed in the same manner, and according to the same principles as costs are taxed between solicitor and client in the County Court.

Recovery of costs.

(3) The payment of any costs ordered to be paid by the Judge may be enforced by an execution against goods and chattels, to be issued from any County Court, upon filing therein the order of the Judge and a certificate shewing the amount at which such costs were taxed and the non-payment thereof. *New.*

Production of documents and endorsements on ballot papers evidence for certain purposes.

165. Where a rule or order is made for the production by the Clerk of the Municipality, of any document in his possession relating to any specified election, the production of the document by the Clerk, in such manner as may be directed by the rule or order, shall be conclusive evidence that the document relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by the Clerk, shall be evidence of such papers being what they are stated to be by the endorsement. R. S. O. c. 174, s. 159. (38 V. c. 28, s. 29.)

Offences.

166. No person shall—

- (a) Without due authority supply any ballot paper to any person; or
- (b) Fraudulently put into any ballot box any paper other than the ballot paper, which he is authorized by law to put in; or
- (c) Fraudulently take out of the polling place any ballot paper; or

(d) Without due authority destroy, take, open, or otherwise interfere with any ballot box or packet of ballot papers then in use for the purposes of the election.

(2) No person shall attempt to commit any offence specified in this section.

Penalty by imprisonment.

(3) Any person guilty of any violation of this section shall be liable, if he is the Clerk of the Municipality, to imprisonment for any term not exceeding two years, with or without hard labour; and if he is any other person, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 174, s. 160. (38 V. c. 28, s. 30; 39 V. c. 1, s. 4.)

Money penalty for offences.

167. Every officer and Clerk who is guilty of any wilful misfeasance, or any wilful act or omission in contravention of sections 118 to 166, inclusive, of this Act, shall, in addition to any

any other penalty or liability to which he may be subject, forfeit to any person aggrieved by such misfeasance, act or omission, a penal sum of \$400. R. S. O. c. 174, s. 161. (38 V. c. 28, s. 31.)

168. Every officer, clerk and agent in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place. Maintaining secrecy of proceedings at polling places.

(2) No officer, clerk or agent, and no person whosoever shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(3) No officer, clerk, agent or other person shall communicate at any time to any person any information obtained at a polling place as to the candidate or candidates for whom any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and agent in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the candidate or candidates for whom any vote is given, or any particular ballot paper.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the name of any candidate or candidates for or against whom he has marked his vote.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 174, s. 162. (38 V. c. 28, s. 32.) Penalty for contravening this section.

169. The Clerk of the Municipality, and every officer, clerk or agent, authorized to attend a polling place or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace; and if he is any other officer, or clerk, in the presence of a Justice of the Peace or of the Clerk of the Municipality; and if he is an agent or of a candidate, in the presence of a Justice of the Peace or of the Clerk of the Municipality, or of the Deputy Returning Officer at whose polling place he is appointed agent; and such statutory declaration of secrecy shall be in the form mentioned in Schedule H to this Act, or to the like effect. R. S. O. c. 174, s. 163. (38 V. c. 28, s. 33; 40 V. c. 12, s. 19.) Statutory declaration of secrecy.

170. No person who has voted at an election shall in any legal proceeding to question the election or return, be required to No one compellable to disclose his vote.

to state for whom he has voted. R. S. O. c. 174, s. 164. (38 V. c. 28, s. 34.)

Candidates may undertake duties of an agent.

171. A candidate may himself undertake the duties which any agent of his, if appointed, might have undertaken, or may assist his agent in the performance of such duties, and may be present at any place at which his agent may in pursuance of this Act be authorized to attend, but no candidate shall be present at the marking of a ballot by an incapacitated voter, or a voter unable to read, under section 148. R. S. O. c. 174, s. 165; 44 V. c. 24, s. 4. (38 V. c. 23, s. 35.)

Expressions in ss. 118-171, referring to agents.

172. When in the sections of this Act numbered from 118 to 171 inclusive any expressions are used, requiring or authorizing any act or thing to be done, or inferring that any act or thing is to be done in the presence of the agents of the candidate, such expressions shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of any agents or agent at such time and place shall not, if the act or thing is otherwise duly done, invalidate in anywise the act or thing done. R. S. O. c. 174, s. 166. (38 V. c. 28, s. 36.)

Non-attendance of agents.

Public holidays, etc., excluded in reckoning time under ss. 118-171, except for nomination and election of mayors, etc.

173. In reckoning time for the purposes of the said sections, Sunday and any day set apart by any act of lawful authority for a public holiday, fast or thanksgiving shall be excluded; and where anything is required by this Act to be done on any day which falls on such days, such things may be done on the next juridical day; but nothing in this section contained shall extend or apply to the days fixed by this Act for the nomination or election of candidates for the offices of Mayor and Aldermen in Cities, and Mayor, Reeve, Deputy Reeves and Councilors in other Municipalities. R. S. O. c. 174, s. 167. (38 V. c. 28, s. 37; 40 V. c. 7, *Sched. A* (170).)

No election to be invalid for want of compliance with rules if in compliance with principles of Act and result not affected.

174. No election shall be declared invalid by reason of a non-compliance with the rules contained in this Act as to the taking of the poll or the counting of the votes, or by reason of any mistake in the use of the forms contained in the Schedules to this Act, or by reason of any irregularity, if it appears to the tribunal having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act, and that such non-compliance or mistake or irregularity did not affect the result of the election. R. S. O. c. 174, s. 168. (38 V. c. 28, s. 38; 39 V. c. 5, s. 16.)

Expenses incurred by officers to be refunded.

175. The reasonable expenses incurred by the Clerk of the Municipality and by the other officers and clerks for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, polling compartments, transmission of the packets required to be transmitted by this Act, and reasonable fees and allowances

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allowances for services rendered under this Act, shall be paid to the Clerk of the Municipality by the Treasurer of the Municipality, and shall be distributed by the Clerk of the Municipality to the several persons entitled thereto. R. S. O. c. 174, s. 169. (38 V. c. 28, s. 39.)

DIVISION VII.—VACANCIES IN COUNCIL.

By Crime, Insolvency, or Absence. Sec. 176.

Quo Warranto proceedings. Sec. 177.

By Resignation. Secs. 178, 179.

How filled—New Elections. Secs. 179-184.

Seat held for residue of term. Sec. 181.

Not to prevent organization of Council. Sec. 182.

In certain cases Council to fill. Sec. 184.

176. If after the election of any person as member of a Council he is convicted of felony or infamous crime, or becomes insolvent within the meaning of the Insolvent Acts, or applies for relief as an indigent debtor, or remains in close custody, or assigns his property for the use of his creditors, or absents himself from the meetings of the Council for three months without being authorized so to do by a resolution of the Council entered in its minutes, his seat in the Council shall thereby become vacant, and the Council shall declare the seat vacant and order a new election. R. S. O. c. 174, s. 170. (36 V. c. 48, s. 123.)

177. In the event of any member of any Municipal Council forfeiting his seat at the Council or his right thereto, or of his becoming disqualified to hold his seat, or of his seat becoming vacant by disqualification or otherwise, he shall forthwith vacate his seat, and in the event of his omitting to do so at any time after his election, proceedings by *quo warranto* to unseat any such member, as provided by sections 185 to 206, both inclusive, of this Act, may be had and taken, and such sections shall, for the purposes of such proceedings, apply to any such forfeiture, disqualification or vacancy. R. S. O. c. 174, s. 171. (37 V. c. 16, s. 5.)

178. Any Mayor or other member of a Council may, with the consent of the majority of the members present, to be entered on the minutes of the Council, resign his seat in the Council. R. S. O. c. 174, s. 172. (36 V. c. 48, s. 124.)

179. The Warden of a County may resign his office by verbal intimation to the Council while in session, or by letter to the County Clerk if not in session, in which cases, and in case of vacancy by death or otherwise, the Clerk shall notify all the members of the Council, and shall, if required by a majority of the members of the County Council, call a special meeting to fill such vacancy. R. S. O. c. 174, s. 173. (36 V. c. 48, s. 130.)

180.

New election provided for, and mode of conducting same.

180. In case no return is made for one or more Wards or polling subdivisions, in consequence of non-election owing to interruption by riot or other cause, or in case a person elected to a Council neglects or refuses to accept office, or to make the necessary declarations of office, within the time required, or in case a vacancy occurs in the Council caused by resignation, death, judicial decision or otherwise, the head of the Council for the time being, or in case of his absence, or of his office being vacant, the Clerk, or in case of the like absence or vacancy in the office of the Clerk, one of the members of the Council, shall forthwith, by warrant, under the signature of such head, Clerk or member, if procurable, require the Returning Officers and Deputy Returning Officers appointed to hold the last election for the Municipality, Ward and polling subdivision respectively, or any other persons duly appointed to those offices, to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy. R. S. O. c. 174, s. 174. (36 V. c. 48, s. 125.)

Term of office of person thereupon elected.

181. The person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is to be filled. R. S. O. c. 174, s. 175. (36 V. c. 48, s. 126.)

Warrant for new election :

but neglect not to prevent organization of council.

182. In case such non-election, neglect or refusal as aforesaid occurs previous to the organization of the Council for the year, the warrant for the new election shall be issued by the head or a member of the Council for the previous year, or by the Clerk, in like manner, as provided by section 180, but such neglect or refusal shall not interfere with the immediate organization of the new Council, provided a majority are present of the full number of the Council. R. S. O. c. 174, s. 176. (36 V. c. 48, s. 127.)

Time for holding, and notice of new election.

183. The Returning Officers and Deputy Returning Officers shall hold the new election at furthest within eight days after receiving the warrant, and the Clerk shall appoint a time and place for the nomination of candidates, and in case a poll is demanded, shall, at least four days before such polling, post up a public notice thereof under his hand in at least four of the most public places in the Municipality, Ward or polling subdivision. R. S. O. c. 174, s. 177. (36 V. c. 48, s. 128.)

Mode of appointing requisite number of members of council if election neglected, etc.

184. In case, at any annual or other election, the electors on any cause not provided for by sections 157 or 158, neglect or decline to elect the members of Council for a Municipality on the day appointed, or to elect the requisite number of members, the new members of the Council, if they equal or exceed the half of the Council when complete, or a majority of such new members, or if a half of such members are not elected, then the members for the preceding year, or a majority of them shall appoint as many qualified persons as will constitute a complete

complete the number of members requisite; and the persons so appointed shall accept office and make the necessary declarations, under the same penalty, in case of refusal or neglect, as if elected. R. S. O. c. 174, s. 178. (36 V. c. 48, s. 129.)

DIVISION VIII.—CONTROVERTED ELECTIONS.

How validity or right of election determined. Secs. 185-195.

Writ for removal, etc. Sec. 196.

If election of whole Council invalid. Sec. 197.

Disclaimer. Secs. 198-203.

Costs. Secs. 201, 203, 204.

Decision of Judge final—Enforcing Judgment. Sec. 205.

Judges may settle forms and practice. Sec. 206.

185. In case the right of any Municipality to a Reeve or Deputy Reeve or Reeves, or in case the validity of the election or appointment of Mayor, Warden or Reeve, or Deputy Reeve, Alderman, or Councillor is contested, the same may be tried by a Judge of the High Court of Justice, or the Senior or officiating Judge of the County Court of the County in which the election or appointment took place; and when the right of a Municipality to a Reeve or Deputy Reeve or Reeves is the matter contested, any municipal elector in the County may be the relator, and when the contest is respecting the validity of any such election as aforesaid, any candidate at the election, or any elector who gave or tendered his vote thereat, or if respecting the validity of any such appointment, any member of the Council or any elector of the Ward, or, if there is no Ward, of the Municipality for which the appointment was made may be the relator for the purpose. R. S. O. c. 174, s. 179. (36 V. c. 48, s. 131.)

Trial of contested elections or right to elect.

186. If within six weeks after the election, or one month after acceptance of office by the person elected, the relator shews by affidavit to any such Judge, reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected thereat was not duly elected, and if the relator enters into a recognizance before the Judge or before a Commissioner for taking affidavits, in the sum of \$200 with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$100 each, conditioned to prosecute the writ with effect, or to pay the party against whom the same is brought any costs which may be adjudged to him against the relator, the Judge shall direct a writ of summons in the nature of a *quo warranto* to be issued to try the matters contested. R. S. O. c. 174, s. 180. (36 V. c. 48, s. 132.)

Time within which proceedings to be instituted, and security and proof required

Writ in nature of *quo warranto*.

Evidence to be used on return of writ may be taken *viva voce* by leave of judge, etc.

187. The Judge of the High Court before whom the writ of summons is returnable, may order the evidence to be used on the hearing of the summons to be taken *viva voce* before the Judge of the County Court, in the presence of counsel for, or after notice to, all parties interested, and such Judge shall return the evidence to the Registrar at Toronto of the Division from which the writ of summons was issued, and every party shall be entitled to a copy thereof. R. S. O. c. 174, s. 181. (36 V. c. 48, s. 133.)

When the relator claims to be elected.

188. In case the relator alleges that he himself or some other person has been duly elected, the writ shall be to try the validity, both of the election complained of and the alleged election of the relator or other person. R. S. O. c. 174, s. 182. (36 V. c. 48, s. 134.)

When several elections complained of.

189. In case the grounds of objection apply equally to two or more persons elected, the relator may proceed by one writ against such persons. R. S. O. c. 174, s. 183. (36 V. c. 48, s. 135.)

Where more writs than one all to be tried by the same judge.

190. Where more writs than one are brought to try the validity of an election, or the right to a Reeve or Deputy Reeve or Reeves as aforesaid all such writs shall be made returnable before the Judge who is to try the first, and such Judge may give one judgment upon all, or a separate judgment upon each one or more of them, as he thinks fit. R. S. O. c. 174, s. 184. (36 V. c. 48, s. 136.)

Writ, who to issue, and return day thereof.

191. The writ shall be issued by the Clerk of the Process of the said High Court, or by the Local or Deputy Registrar, or Deputy Clerk of the Crown in the County in which the election took place, and shall be returnable before a Judge in Chambers at Toronto, or before the Judge of the County Court at a place named in the writ, upon the eighth day after service, computed exclusively of the day of service, or upon any later day named in the writ. R. S. O. c. 174, s. 185. (36 V. c. 48, s. 137.)

Service to be personal, unless excused by judge.

192. The writ shall be served personally, unless the party to be served keeps out of the way to avoid personal service, in which case the Judge upon being satisfied thereof, by affidavit or otherwise, may make an order for such substitutional service as he thinks fit. R. S. O. c. 174, s. 186. (36 V. c. 48, s. 139.)

Returning officer or deputy returning officer may be made a party.

193. The Judge before whom the writ is made returnable or is returned, may, if he thinks proper, order the issue of a writ of summons at any stage of the proceedings to make the Returning Officer or any Deputy Returning Officer a party thereto. R. S. O. c. 174, s. 187. (36 V. c. 48, s. 138.)

194. The Judge before whom the writ is returned may allow any person entitled to be a relator to intervene and defend, and may grant a reasonable time for the purpose; and any intervening party shall be liable or entitled to costs like any other party to the proceedings. R. S. O. c. 174, s. 188. (36 V. c. 48, s. 140.)

The judge may allow certain persons to intervene and defend.

195. The Judge shall, in a summary manner, upon statement and answer, without formal pleadings, hear and determine the validity of the election, or the right to a Reeve or Deputy Reeve or Reeves, and may, by order, cause the assessment rolls, collectors' rolls, list of electors, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, or by issues framed by him, and sent to be tried by jury by writ of trial directed to any Court named by the Judge, or by one or more of these means, as he deems expedient; subject, however, to the provisions of section 210. R. S. O. c. 174, s. 189. (36 V. c. 48, s. 141.)

Judges shall try summarily.

196 In case the election complained of is adjudged invalid, the judge shall forthwith, by writ, cause the person found not to have been duly elected to be removed; and in case the Judge determines that any other person was duly elected, the Judge shall forthwith order a writ to issue causing such other person to be admitted; and in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall by the writ cause a new election to be held. R. S. O. c. 174, s. 190. (36 V. c. 48, s. 142.)

If election invalid, judge shall remove person not duly elected, and admit person elected, or cause new election.

197. In case the election of all the members of a Council is adjudged invalid, the writ for their removal, and for the election of new members in their place, or for the admission of others adjudged legally elected, and an election to fill up the remaining seats in the Council, shall be directed to the Sheriff of the County in which the election took place; and the Sheriff shall have all the powers for causing the election to be held which a Municipal Council has in order to supply vacancies therein. R. S. O. c. 174, s. 191. (36 V. c. 48, s. 143.)

If all the members ousted, etc., writ for new election to go to the sheriff.

198. Any person whose election is complained of may, unless such election is complained of on the ground of corrupt practices on the part of such person, within one week after service on him of the writ, transmit post paid, through the post office, directed to "The Clerk of the Judge's Chambers, at Osgoode Hall, Toronto," or to "The Judge of the County Court of the County of _____" (as the case may be), or may cause to be delivered to such Clerk or Judge a disclaimer signed by him, to the effect following:

Defendant may disclaim except in certain cases.

"I, A. B., upon whom a writ of summons, in the nature of a *quo warranto*, has been served for the purpose of contesting my right to the office

Mode of proceeding.

office of Township Councillor, (or as the case may be) for the Township
of _____, in the County of _____ (or as
the case may be), do hereby disclaim the said office, and all defence of any
right I may have to the same.

"Dated _____ day of _____ (Signed) "A. B."

R. S. O. c. 174, s. 192. (36 V. c. 48, s. 144.)

Posting and
registry of
disclaimer.

199. Such disclaimer, or the envelope containing the same, shall moreover be endorsed on the outside thereof with the word "*Disclaimer*," and be registered at the post office where mailed. R. S. O. c. 174, s. 193. (36 V. c. 48, s. 145.)

Person elected
may disclaim
at any time
before his
election is
complained of.
Form.

200. Where there has been a contested election, the person elected may at any time after the election, and before his election is complained of, deliver to the Clerk of the Municipality a disclaimer signed by him as follows:

"I, A. B., do hereby disclaim all right to the office of Township Councillor, (or as the case may be) for the Township of _____ (or as the case may be), and all defence of any right I may have to the same."

R. S. O. c. 174, s. 194. (36 V. c. 48, s. 146.)

Disclaimer to
operate as
resignation.

Who to be
deemed
elected.

201. Such disclaimer shall relieve the party making it from all liability to costs, and where a disclaimer has been made in accordance with the preceding sections, it shall operate as a resignation, and the candidate having the next highest number of votes shall then become the Councillor, or other officer, as the case may be. R. S. O. c. 174, s. 195. (36 V. c. 48, s. 147.)

Duplicate
disclaimer to
be delivered
to clerk.

202. Every person disclaiming shall deliver a duplicate of his disclaimer to the Clerk of the Council, and the Clerk shall forthwith communicate the same to the Council. R. S. O. c. 174, s. 196. (36 V. c. 48, s. 148.)

Costs against
person dis-
claiming.

203. No costs shall be awarded against any person duly disclaiming, unless the Judge is satisfied that such party consented to his nomination as a candidate, or accepted the office, in which case the costs shall be in the discretion of the Judge. R. S. O. c. 174, s. 197. (36 V. c. 48, s. 149.)

Costs
generally.

204. In all cases not otherwise provided for, costs shall be in the discretion of the Judge. R. S. O. c. 174, s. 198. (36 V. c. 48, s. 150.)

Judgment to
be final and to
be returned to
the court.

Mode of
enforcing
judgment.

205. The decision of the Judge shall be final, and he shall, immediately after his judgment, return the writ and judgment, with all things had before him touching the same, into the Division from which the writ issued, there to remain of record as a judgment of the High Court; and he shall, as occasion requires, enforce such judgment by a writ in the nature of a writ of peremptory *mandamus*, and by writs of execution for the costs awarded. R. S. O. c. 174, s. 199. (36 V. c. 48, s. 151.)

206.

206. The Judges of the High Court of Justice, or a majority of them, may by rules settle the forms of the writs of summons, *certiorari*, *mandamus* and execution under this Act, and may regulate the practice respecting the suing out, service and execution of such writs, and the punishment for disobeying the same, or any other writ, or order of the Court or Judge, and respecting the practice generally, in hearing and determining the validity of such elections or appointments, and respecting the costs therein; and may from time to time rescind, alter, or add to such rules; but all existing rules shall remain in force until rescinded or altered as aforesaid. R. S. O. c. 174, s. 200. (36 V. c. 48, s. 152.)

DIVISION IX.—PREVENTION OF CORRUPT PRACTICES.

Bribery and undue influence defined. Secs. 207, 208.

Certain payments lawful. Sec. 209.

Evidence to be viva voce. Sec. 210.

Effect of the conviction of candidate for bribery. Sec. 211.

Penalties. Sec. 212.

How penalties recoverable. Sec. 213.

Report and record of convictions. Secs. 214, 215.

Witnesses, how procured—Self-crimination or privilege not to excuse from giving evidence. Secs. 216, 217.

Proceedings, within what time to be taken. Sec. 218.

When penalties not recoverable. Sec. 219.

Publication of the law against corrupt practices. Sec. 220.

207. The following persons shall be deemed guilty of bribery, and shall be punished accordingly:—

(1) Every person who, directly or indirectly, by himself, or by any other person in his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises, any office, place or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting at a municipal election, or upon a by-law for raising any money or creating a debt upon a municipality or part of a Municipality for any purpose whatever, or who corruptly does any such act as aforesaid, on account of such voter having voted or refrained from voting at any such election, or upon any such by-law;

(2) Every person who, directly or indirectly, by himself or by any other person in his behalf, makes any gift, loan, offer, promise or agreement as aforesaid, to or for any person, in order to induce such person to procure, or endeavour to procure, the return of any person to serve in any Municipal Council

Certain persons to be deemed guilty of bribery.

Giving money to voters, etc.

Procuring office, etc., for voters.

Or for persons influencing voters.

or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law;

Corruptly
influencing
voters.

(3) Every person who, by reason of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any person in any municipal election, or to procure the passing of any such by-law as aforesaid, or the vote of any voter at any municipal election, or for any such by-law;

Advancing,
etc., money for
bribery, etc.

(4) Every person who advances or pays, or causes to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any municipal election, or at any voting upon a by-law as aforesaid, or who knowingly pays, or causes to be paid, any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any such election, or at the voting upon any such by-law;

Voter receiv-
ing money,
etc., for vote,
or agreeing
for money to
vote, etc.

(5) Every voter who, before or during any municipal election, or the voting on any such by-law, directly or indirectly by himself or any other person in his behalf, receives, agrees or contracts for any money, gift, loan, or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or refraining or agreeing to refrain from voting at any such election, or upon any such by-law;

Receiving
money, etc.
after the
election for
voting, or in-
ducing, etc.,
to vote.

(6) Every person who, after any such election, or the voting upon any such by-law, directly or indirectly, by himself or any other person on his behalf, receives any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any such election, or upon any such by-law;

Hiring teams,
etc.

(7) Every person who hires any horses, teams, carriages or other vehicles for the purpose of conveying electors to and from the polls, and every person who receives pay for the use of any horse, teams, carriages, or other vehicles, for the purpose of conveying electors to and from any polls as aforesaid. R. S. O. c. 174, s. 201. (36 V. c. 48, s. 153.)

Persons using
violence or
intimidation
to be guilty of
undue influ-
ence.

208. Every person who, directly or indirectly, by himself or by any other person on his behalf, makes use of or threatens to make use of any force, violence or restraint, or inflicts, or threatens the infliction, by himself or by or through any other person, of any injury, damage or loss, or in any manner practises intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter,

voter, shall be deemed to be guilty of undue influence, and be subject to the penalty hereinafter mentioned. R. S. O. c. 174, s. 202. (36 V. c. 48, s. 154.)

209. The actual personal expenses of any candidate, his expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising, shall be held to be the expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. R. S. O. c. 174, s. 203. (36 V. c. 48, s. 155.)

210. Where, in an application in the nature of a *quo warranto*, any question is raised as to whether the candidate or any voter has been guilty of any violation of section 207 or 208 of this Act, affidavit evidence shall not be used to prove the offence, but it shall be proved by *viva voce* evidence taken before the Judge of any County Court, upon a reference to him by the Judge of the High Court for that purpose, or upon an appointment granted by him in cases pending in such County Court. R. S. O. c. 174, sec. 204. (36 V. c. 48, s. 156.)

211. Any candidate elected at any municipal election, who is found guilty by the Judge, upon any trial upon a writ of *quo warranto*, of any act of bribery, or of using undue influence as aforesaid, shall forfeit his seat, and shall be ineligible as a candidate at any municipal election for two years thereafter. R. S. O. c. 174, s. 205. (36 V. c. 48, s. 157.)

212. Any person who is adjudged guilty of any offence within the meaning of sections 207 or 208 of this Act, shall incur a penalty of \$20, and shall be disqualified from voting at any municipal election or upon a by-law for the next succeeding two years. R. S. O. c. 174, s. 206. (36 V. c. 48, s. 159.)

213. The penalties imposed by section 212 of this Act shall be recoverable, with full costs of suit, by any person who will sue for the same by action of debt in the Division Court having jurisdiction where the offence was committed; and any person against whom judgment is rendered, shall be ineligible, either as a candidate or municipal voter, until the amount which he has been condemned to pay is fully paid and satisfied. R. S. O. c. 174, s. 207. (36 V. c. 48, s. 160.)

214. It shall be the duty of the Judge who finds any candidate guilty of a contravention of section 207 or 208 of this Act, or who condemns any person to pay any sum in the Division Court for any offence within the meaning of this Act, to report the same forthwith to the Clerk of the Municipality wherein the offence has been committed. R. S. O. c. 174, s. 208. (36 V. c. 48, s. 161.)

215.

Clerk to keep
book shewing
names of
persons guilty
of offences, etc.

215. The Clerk of every Municipality shall duly enter in a book, to be kept for that purpose, the names of all persons within his Municipality who have been adjudged guilty of any offence within the meaning of section 207 or 208 of this Act, and of which he has been notified by the Judge who tried the case. R. S. O. c. 174, s. 209. (36 V. c. 48, s. 162.)

Attendance of
witnesses.

216. Any witness shall be bound to attend before the Judge of the County Court upon being served with the order of such County Court Judge directing his attendance and upon payment of the necessary fees for such attendance, in the same manner as if he had been directed by a writ of subpoena so to attend, and he may be punished for contempt, and shall be liable to all the penalties for such non-attendance in the same manner as if he had been served with such subpoena. R. S. O. c. 174, s. 210. (36 V. c. 48, s. 163.)

Witnesses not
excused from
answering on
grounds of self
crimination or
privilege.

Proviso.

217. No person shall be excused from answering any question put to him in any action, suit or other proceeding in any Court or before any Judge, touching or concerning any election, or by-law, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer to such question will tend to criminate such person; but no answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will subject him to any penalty under this Act, shall be used in any proceeding under this Act, against such person, if the Judge gives to the witness a certificate that he claimed the right to be excused on either of the grounds aforesaid, and made full and true answer, to the satisfaction of the Judge. R. S. O. c. 174, s. 211. (36 V. c. 48, s. 164.)

Limitation
of actions.

218. All proceedings other than an application in the nature of *quo warranto* against any person for any violation of section 207 or 208 of this Act, shall be commenced within four weeks after the municipal election at which the offence is said to have been committed, or within four weeks after the day of voting upon any by-law as aforesaid. R. S. O. c. 174, s. 212. (36 V. c. 48, s. 165.)

No statutory
penalty for
corrupt prac-
tices at elec-
tions, where
the party
charged has
first prosecu-
ted a party
jointly liable.

Proviso.

219. No pecuniary penalty or forfeiture imposed by this Act or any other Act of the Legislature of Ontario, shall be recoverable for any act of bribery or corrupt practice at an election, in case it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the said act; but this provision shall not apply in case the Judge before whom the person claiming the benefit thereof is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence

fence charged, and that such person was in fact the principal offender. R. S. O. c. 174, s. 213. (37 V. c. 7, s. 95.)

220. The Clerk of every Municipality shall, prior to any election or voting on any by-law, furnish each Deputy Returning Officer with at least two copies of the sections of this Act, numbered from 207 to 220 inclusive, and it shall be the duty of the Deputy Returning Officer to post the same in conspicuous places at the polling place of the polling subdivision for which he is Deputy Returning Officer. R. S. O. c. 174, s. 214; 43 V. c. 24, s. 5. (36 V. c. 48, s. 166.)

Copies of ss. 207-220 to be posted up prior to election.

PART IV.

MEETINGS OF MUNICIPAL COUNCILS.

DIV. I.—WHEN AND WHERE HELD.
DIV. II.—CONDUCT OF BUSINESS.

DIV. I.—WHEN AND WHERE HELD.

First and subsequent meetings. Secs. 221-228.
Remuneration to members. Secs. 229, 230.

221. The Members of every Municipal Council (except County Councils) shall hold their first meeting at eleven o'clock in the forenoon, on the third Monday of the same January in which they are elected, or on some day thereafter; and the members of every County Council shall hold their first meeting at two o'clock in the afternoon, or some hour thereafter, on the fourth Tuesday of the same month, or on some day thereafter. R. S. O. c. 174, s. 215. (36 V. c. 48, s. 167.)

222. No business shall be proceeded with at the first meeting of the Council, until the declarations of office and qualification have been administered to all the members who present themselves to take the same. R. S. O. c. 174, s. 216. (36 V. c. 48, s. 175.)

No business before declarations of office, etc.

223. The members elect of every County Council, being at least a majority of the whole number of the Council when full, shall at their first meeting after the yearly elections, and after making the declarations of office and qualification when required to be taken, organize themselves as a Council by electing one of themselves to be Warden. R. S. O. c. 174, s. 217. (36 V. c. 48, s. 120.)

Election by county council of a warden.

224.

Who to preside at election.

224. At every such election the Clerk of the Council shall preside, and if there is no Clerk, the members present shall select one of themselves to preside, and the person selected may vote as a member. R. S. O. c. 174, s. 218. (36 V. c. 48, s. 121.)

Who to have the casting vote in the event of equality of votes.

225. In case of an equality of votes on the election of the head of any County Council, or Provisional County Council, then of those present, the Reeve, or in his absence the Deputy Reeve of the Municipality which has the largest number of names on its last revised assessment roll, as ratepayers, shall have a second and casting vote. R. S. O. c. 174, s. 219. (36 V. c. 48, s. 122.)

Place of first meeting.

226. The members of every County Council shall hold their first meeting at the County Hall if there is one, or otherwise at the County Court House. R. S. O. c. 174, s. 220. (36 V. c. 48, s. 168.)

Place of subsequent meeting of county council, etc.

227. The subsequent meetings of the County Council, and all the meetings of every other Council shall be held at such place, either within or without the Municipality, as the Council from time to time, by resolution on adjourning to be entered on the minutes, or by-law appoints. R. S. O. c. 174, s. 221. (36 V. c. 48, s. 169.)

Place of meeting may be in cities, etc.

228. The Council of any County or Township in which any City, Town, or incorporated Village lies, may hold its sittings, keep its public offices, and transact all the business of the Council and of its officers and servants within such City, Town or incorporated Village, and may purchase and hold such real property therein as may be convenient for such purposes. R. S. O. c. 174, s. 222. (36 V. c. 48, s. 170.)

Remuneration to councillors and committee-men limited.

229. The Council of every Township and County may pass by-laws for paying the members of the Council for their attendance in Council, or any member while attending on committee of the Council, at a rate not exceeding three dollars *per diem*, and five cents per mile necessarily travelled (to and from) for such attendance. R. S. O. c. 174, s. 233. (36 V. c. 48, s. 172; 40 V. c. 7, *Sched. A* (171).)

Remuneration of mayor, etc.

230. The Head of the Council of any County, City, Town or incorporated Village may be paid such annual sum or other remuneration as the Council of the Municipality may determine. R. S. O. c. 174, s. 224. (36 V. c. 48, s. 173; 40 V. c. 7, *Sched. A* (172).)

DIVISION II.—CONDUCT OF BUSINESS.

Ordinary meetings to be open to public. Sec. 231.

Quorum. Secs. 232, 233.

Who to preside. Secs. 234, 236-238.

Special meetings. Secs. 234, 236.

Presiding officers may vote. Sec. 239.

Equality of votes negatives question. Sec. 239.

Power to adjourn. Sec. 240.

231. Every Council shall hold its ordinary meetings openly, and no person shall be excluded except for improper conduct, but the head or other chairman of the Council may expel and exclude from any meeting any person who has been guilty of improper conduct at such meeting. R. S. O. c. 174, s. 225. (36 V. c. 48, s. 174.)

232. A majority of the whole number of members required by law to constitute the Council shall be necessary to form a quorum. R. S. O. c. 174, s. 226. (36 V. c. 48, s. 176.)

233. When a Council consists of only five members, the concurrent vote of at least three shall be necessary to carry any resolution or other measure. R. S. O. c. 174, s. 227. (36 V. c. 48, s. 177.)

234. The head of every Council shall preside at the meetings of Council, and may at any time summon a special meeting thereof, and it shall be his duty to summon a special meeting whenever requested in writing by a majority of the members of the Council. R. S. O. c. 174, s. 228. (36 V. c. 48, s. 178.)

235. In case there is no by-law of a Council fixing the place of meeting, any special meeting of the Council shall be held at the place where the then last meeting of the Council was held, and a special meeting may be open or closed as in the opinion of the Council, expressed by resolution in writing, the public interest requires. R. S. O. c. 174, s. 229. (36 V. c. 48, s. 171.)

236. In case of the death or absence of the head of a Town Council, the Reeve, and in case of the absence or death of both of them, the Deputy Reeve, and in case of the death or absence of the head of a Village or Township Council, the Deputy Reeve shall preside at the meetings of the Council, and may at any time summon a special meeting thereof; but if there be more than one Deputy Reeve, the Council shall determine which of them shall preside at their meeting. R. S. O. c. 174, s. 230. (36 V. c. 48, s. 179.)

Absence of
head, etc.,
provided for.

237. In the absence of the head of the Council, and in the case of a Town, Village or Township, in the absence also of the Reeve, if there be one, and also of the Deputy Reeve or Deputy Reeves, if there be one or more, by leave of the Council or from illness, the Council may, from among the members thereof, appoint a presiding officer, who, during such absence, shall have all the powers of the head of the Council. R. S. O. c. 174, s. 231. (36 V. c. 48, s. 180.)

Casual ab-
sence provided
for.

238. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a chairman from amongst themselves, and such chairman shall have the same authority in presiding at the meeting as the absent person would have had if present. R. S. O. c. 174, s. 232. (36 V. c. 48, s. 181.)

Head may
vote.

Question
negatived in
case of equal-
ity of votes.

239. The head of the Council, or the presiding officer or chairman of any meeting of any Council, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. R. S. O. c. 174, s. 233. (36 V. c. 48, s. 182.)

Adjournment.

240. Every Council may adjourn its meetings from time to time. R. S. O. c. 174, s. 234. (36 V. c. 48, s. 183.)

PART V.

OFFICERS OF MUNICIPAL CORPORATIONS.

DIV. I.—THE HEAD.

DIV. II.—THE CLERK.

DIV. III.—THE TREASURER.

DIV. IV.—ASSESSORS AND COLLECTORS.

DIV. V.—AUDITORS AND AUDIT.

DIV. VI.—VALUATORS.

DIV. VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

DIV. VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

DIVISION I.—THE HEAD.

Who to be. Sec. 241.

Duties. Sec. 242.

Who to be
head of
council.

241. The head of every County and Provisional Corporation shall be the Warden thereof, and of every City and Town the Mayor

Mayor thereof, and of every Township and incorporated Village the Reeve thereof. R. S. O. c. 174, s. 235. (36 V. c. 48, s. 184.)

242. The head of the Council shall be chief executive officer of the Corporation; and it shall be his duty to be vigilant and active at all times in causing the law for the government of the Municipality to be duly executed and put in force; to inspect the conduct of all subordinate officers in the government thereof, and, as far as may be in his power, to cause all negligence, carelessness and positive violation of duty, to be duly prosecuted and punished, and to communicate from time to time to the Council all such information, and recommend such measures within the powers of the Council as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the Municipality. R. S. O. c. 174, s. 236. (36 V. c. 48, s. 185.)

DIVISION II.—THE CLERK.

Appointment and duties of. Sec. 243.

Absence of. Sec. 244.

Records and papers may be inspected. Sec. 245.

Return of statistics. Secs. 246-249.

Penalty for not making returns. Secs. 246, 247.

Returns to be laid before the Legislature. Sec. 250.

Effect on municipalities of clerk not making returns. Sec. 251.

243. Every Council shall appoint a Clerk; and the Clerk shall truly record in a book, without note or comment, all resolutions, decisions and other proceedings of the Council, and, if required by any member present, shall record the name and vote of every member voting on any matter submitted, and shall keep the books, records and accounts of the Council, and shall preserve and file all accounts acted upon by the Council, and also the originals or certified copies of all by-laws, and of all minutes of the proceedings of the Council, all of which he shall so keep in his office, or in the place appointed by by-law of the Council. R. S. O. c. 174, s. 237. (36 V. c. 48, s. 186.)

244. The Council may by resolution provide that, in case the clerk is absent, or incapable through illness of performing his duties of Clerk, some other person to be named in such resolution, or to be appointed under the hand and seal of such Clerk, shall act in his stead, and the person so appointed shall, while he so acts, have all the powers of the Clerk. R. S. O. c. 174, s. 238. (36 V. c. 48, s. 187.)

Minutes, etc.,
to be open to
inspector.

Copies to be
furnished, and
charges there-
for, etc.

245. Any person may inspect any of the particulars aforesaid, as well as the assessment rolls, voters' lists, poll books, and other documents in the possession of or under the control of the Clerk, at all seasonable times, and the Clerk shall, within a reasonable time, furnish copies thereof to any applicant at the rate of ten cents per hundred words, or at such lower rates as the Council appoints, and shall, on payment of the proper fee therefor, furnish within a reasonable time, to any elector of the Municipality, or to any other person interested in any by-law, order or resolution, or to his attorney, a copy of such by-law, order or resolution, certified under his hand and under the corporate seal. R. S. O. c. 174, s. 239. (36 V. c. 48, s. 188.)

Clerk to trans-
mit a yearly
return of rate-
payers to the
Provincial
Treasurer.

246. The Clerk of every City, Town, incorporated Village and Township shall, on or before the first day of December in each year, under a penalty of \$20, to be paid to the Treasurer of Ontario in case of default, transmit to the Treasurer of Ontario a true return of the number of resident ratepayers appearing on the revised assessment roll of his Municipality for the year, and shall accompany such return with an affidavit of the correctness of the same made before a Justice of the Peace verifying the same in the following form:—

Oath of verifi-
cation.

I, A. B., Clerk of the Municipality of the City, Town, Township or Village (as the case may be), of make oath and say, that the (above, within written, or annexed, as the case may be) return, contains a true statement of the number of resident ratepayers appearing on the assessment roll of the said City (Town, Township or Village) for the year one thousand eight hundred and

(Signed) A. B.

Sworn before me, &c.

R. S. O. c. 174, s. 240. (39 V. c. 48, s. 189.) See also R. S. O. c. 28, s. 5.

To make a
yearly return
to the county
clerk.

247. The Clerk of every Township, Village and Town shall in each year, within one week after the first day in March, under a penalty of \$20 in case of default, make a return to the Clerk of the County in which the Municipality is situate, of the following particulars respecting his Municipality for the year then last past, namely:

What such
return shall
shew.

Read of columns to be varied
according to the form of the
assessment rolls required by
law.

1. Number of persons assessed.
2. Number of acres assessed.
3. Total actual value of real property,
4. Total of taxable incomes.
5. Total value of personal property.
6. Total amount of assessed value of real and personal property.
7. Total amount of taxes imposed by by-laws of the Municipality.
8. Total amount of taxes imposed by by-laws of the County Council.

9. Total amount of taxes imposed by by-laws of any Provisional County Council.
10. Total amount of taxes as aforesaid.
11. Total amount of income collected or to be collected from assessed taxes for the use of the Municipality.
12. Total amount of income from Licenses.
13. Total amount of income from Public Works.
14. Total amount of income from shares in incorporated Companies.
15. Total amount from all other sources.
16. Total amount of income from all sources.
17. Total expenditure on account of roads and bridges.
18. Total expenditure on account of other public works and property.
19. Total expenditure on account of stock held in any incorporated Company.
20. Total expenditure on account of Schools and Education, exclusive of School Trustees' Rates.
21. Total expenditure on account of the support of the poor, or charitable purposes.
22. Total expenditure on account of debentures and interest thereon.
23. Total gross expenditure on account of Administration of Justice in all its branches.
24. Amount received from Government on account of Administration of Justice.
25. Total net expenditure on account of Administration of Justice.
26. Total expenditure on account of salaries, and the expenses of Municipal Government.
27. Total number of sheep worried by dogs, and the amount paid therefor by the Municipality.
28. Total expenditure on all other accounts.
29. Total expenditure of all kinds.
30. Total amount of liabilities secured by debentures.
31. Total amount of liabilities unsecured.
32. Total liabilities of all kinds.
33. Total value of real property belonging to Municipality.
34. Total value of stock in incorporated Companies owned by Municipality.
35. Total amount of debts due to Municipality.
36. Total amount of arrears of taxes.
37. Balance in hands of Treasurer.
38. All other property owned by Municipality.
39. Total assets.

R. S. O. c. 174, s. 241. (36 V. c. 48, s. 190.)

248. The Clerk of every County shall, before the first day of April in each year, prepare and transmit to the Provincial Secretary a statement of the aforesaid particulars respecting all the Municipalities within his County, entering each Municipality in a separate line, and the particulars required opposite

County clerk to make a return to the Provincial Secretary.

site

site to it, each in a separate column, together with the sum total of all the columns for the whole County, and shall also make at the same time a return of the same particulars respecting his County, as a separate Municipality, and also of the following particulars:—

1. Number of Public School Inspectors.
2. Amount paid to School Inspectors.
3. Total amount paid to Sheriffs.
4. Total amount paid to County Crown Attorney.
5. Total amount paid to Clerk of the Peace.
6. Total amount paid for constable and police service.

R. S. O. c. 174, s. 242. (36 V. c. 48, s. 191; 40 V. c. 7, *Sched. A.* (173).)

And also
clerks of cities
and towns.

249. The Clerk of every City and Town separated from a County shall, before the first day of April in each year, make a return to the Provincial Secretary of the particulars in section 247 mentioned respecting his City or Town. R. S. O. c. 174, s. 243. (36 V. c. 48, s. 192.)

Provincial
Secretary to
lay returns
before the
Legislative
Assembly.

250. The Provincial Secretary shall, as soon as may be after the commencement of every Session, lay before the Legislative Assembly a copy of all returns hereinbefore required to be made. R. S. O. c. 174, s. 244. (36 V. c. 48, s. 193.)

Moneys pay-
able to municipi-
pality to be
retained if
returns not
made.

251. The Treasurer of the County shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Clerk of the County that the Clerk of such Municipality has not made the return hereinbefore required; and the Treasurer of Ontario shall retain in his hands any moneys payable to any Municipality, if it is certified to him by the Provincial Secretary that the Clerk of such Municipality has not made the returns hereinbefore required. R. S. O. c. 174, s. 245. (36 V. c. 48, s. 194.)

DIVISION III.—THE TREASURER.

His appointment, security, duties, etc. Secs. 252–254.

Powers of successor, when Treasurer is dismissed or absconds. Sec. 255.

Treasurer to
be appointed.

To give se-
curity.

Annual
inquiry as to
sufficiency of.

252. Every Municipal Council shall appoint a Treasurer, who may be paid either by salary or by a percentage, and every Treasurer, before entering upon the duties of his office, shall give such security as the Council directs for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands: it shall be the duty of every Council in each and every to inquire into the sufficiency of the security given by such Treasurer, and report thereon. R. S. O. c. 174, s. 246. (36 V. c. 48, s. 195.) **253.**

253. Every Treasurer shall receive and safely keep all moneys belonging to the Corporation, and shall pay out the same to such persons and in such manner as the laws of the Province and the lawful by-laws or resolutions of the Council of the Municipal Corporation, whose officer he is, direct; but no member of the Council shall receive any money from such Treasurer for any work performed or to be performed; and such Treasurer shall not be liable to any action at law for any moneys paid by him in accordance with any by-law or resolution passed by the Council of the Municipality of which he is the Treasurer, unless where another disposition is expressly made of such moneys by statute. R. S. O. c. 174, s. 247. (36 V. c. 48, s. 196.)

To receive and take care of and disburse moneys, etc.

His liability limited.

(2) In case of the death of a County Treasurer the Warden for the time being may, by warrant under his hand and seal, appoint a Treasurer *pro tem.* for such special purpose or purposes as the Warden may deem necessary, who shall hold office until the next meeting of the Council, and all acts performed by him authorized by said warrant shall be as valid and binding as if performed by a Treasurer regularly appointed; Provided always that the Warden shall in and by such warrant of appointment direct what security shall be given by such Treasurer *pro tem.* for the faithful performance of his duties and especially for duly accounting for and paying over all moneys which may come into his hands, and he shall, before entering upon his duties, give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased Treasurer until a proper audit shall be made. 42 V. c. 31, s. 8.

Appointment of treasurer, *pro tem.*

Proviso.

254. Every Treasurer shall also prepare and submit to the Council half-yearly a correct statement of the moneys at the credit of the Corporation whose officer he is; and in Cities, Towns, incorporated Villages and Townships which have passed by-laws requiring this to be done, the Treasurer shall, on or before the twentieth day of December in each year, prepare and transmit to the Clerk of the Municipality a list of all persons who have not paid their Municipal taxes on or before the fourteenth day of said month of December. R. S. O. c. 174, s. 248. (36 V. c. 48, s. 197.) See ss. 81, 490 (2).

Half-yearly statement of assets.

Annual list of persons i. default for taxes.

255. In case any Treasurer is dismissed from office or absconds, it shall be lawful for his successor to draw any moneys belonging to such Municipality. R. S. O. c. 174, s. 249. (36 V. c. 48, s. 198.)

Provision on dismissal from office.

DIVISION IV.—ASSESSORS AND COLLECTORS.

(See also R. S. O. c. 180, ss. 10, 11.)

Appointment of. Secs. 256, 257.

Assessment Commissioner—Board of Assessors—Percentage on unpaid taxes. Sec. 257.

Township Collectors to act for Provisional Corporations—Disposal of moneys. Secs. 258, 259.

Assessors and collectors, appointment and qualification of.

256. The Council of every City, Town, Township, and incorporated Village shall, as soon as may be convenient after the annual election, appoint as many Assessors and Collectors for the Municipality as the Assessment Laws from time to time authorize or require, and shall fill up any vacancy that occurs in the said offices as soon as may be convenient after the same occurs; but the Council shall not appoint as Assessor or Collector a member of the Council.

(2) The same person may, in a City, Town or Township, be appointed Assessor or Collector for more than one Ward or polling sub-division.

(3) In Municipalities which have passed by-laws requiring taxes to be paid on or before the fourteenth day of December, it shall be the duty of the Collectors, on the fifteenth day of December in each year, upon oath, to return to the Treasurer the names of all persons who have not paid their municipal taxes on or before the fourteenth day of the said month of December. R. S. O. c. 174, s. 250. (36 V. c. 48, s. 199.)

In cities, assessment commissioner may be appointed instead of such assessors, etc.

257. In Cities, the Council, instead of appointing Assessors under the foregoing section, may appoint an Assessment Commissioner, who, in conjunction with the Mayor for the time being, shall, from time to time, appoint such Assessors and Valuators as may be necessary, and such Commissioner, Assessors, and Valuators shall constitute a Board of Assessors, and shall possess all the powers and perform the duties of Assessors appointed under the last preceding section; and the Council shall also have power by by-law to determine the number of Collectors to be appointed, and prescribe their duties, and may by by-law require the payment of taxes to be made into the office of the Treasurer by a day to be named, and in default may in said by-law impose an additional percentage charge on every unpaid tax or assessment, which shall be added to such unpaid tax or assessment, and collected by the Collectors as if the same had originally been imposed and formed part of such unpaid tax or assessment; and any Commissioner, Assessor or Collector to be appointed by any City need not be appointed annually, but shall hold office at the pleasure of the Council; and all notices, in other municipalities required to be given to the Clerk of the Municipality in matters relative to assessment shall in such city be given to the Assessment Commissioner. R. S. O. c. 174, s. 251. (36 V. c. 48, s. 200.)

On default of payment of taxes, additional percentage may be imposed.

Tenure of office of commissioner, assessors, etc.

Collector of provisional council.

Payments.

258. The Collectors of the several Townships in a Junior County of a Union of Counties shall *ex officio* be Collectors in such Townships for the Provisional Council, and the Collectors shall pay over to the Provisional Treasurer the money they collect under any by-law of the Provisional Council. R. S. O. c. 174, s. 252. (36 V. c. 48, s. 201.)

259. The money so collected shall be deemed the money of the Union, so far as necessary to make the Collectors and their sureties responsible to the Union therefor; and in case the Corporation of the Union receives the same, such Corporation shall immediately pay the amount to the Provisional Treasurer, retaining the expenses of collection. R. S. O. c. 174, s. 253. (36 V. c. 48, s. 202.)

Moneys, how to be disposed of.

DIVISION V.—AUDITORS AND AUDIT.

Appointment and duties. Secs. 260, 261.

Abstract of receipts and expenditures. Sec. 262.

Publication of audit. Sec. 263.

Returns to Government. Sec. 264.

Council to finally audit. Sec. 265.

County Council to regulate and audit County moneys. Sec. 266.

Audit, how often to be made. Sec. 267.

Special provisions relating to Toronto. Secs. 268-270.

260. Every Council shall, at the first meeting thereof in every year after being duly organized, appoint two Auditors, one of whom shall be such person as the head of the Council nominates; but no one who, at such time, or during the preceding year, is or was a member, or is or was Clerk or Treasurer of the Council, or who has, or during such preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the Corporation, except as Auditor, shall be appointed an Auditor. R. S. O. c. 174, s. 254. (36 V. c. 48, s. 203.)

Auditors.
Disqualification for office of.

261. The Auditors shall examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction for the year ending on the thirty-first day of December preceding their appointment. R. S. O. c. 174, s. 255. (36 V. c. 48, s. 204.)

Duties of.

262. The Auditors shall prepare an abstract of the receipts, expenditures, assets, and liabilities of the corporation, and also a detailed statement of the said particulars in such form as the Council directs, and report in duplicate on all the accounts audited by them, and make a special report of any expenditure made contrary to law, and shall file the same in the office of the Clerk of the Council within one month after their appointment; and thereafter any inhabitant or ratepayer of the Municipality may inspect one of such duplicate reports at all reasonable hours, and may, by himself or his agent, at his own expense, take a copy thereof or extracts therefrom. R. S. O. c. 174, s. 256. (36 V. c. 48, s. 205.)

To prepare abstract and detailed statement of receipts and expenditure, etc.

Clerks to publish abstracts and statements.

263. The Clerk shall publish the Auditors' abstract and report (if any), and shall also publish the detailed statement in such form as the Council directs, and in case of a minor Municipality the Clerk shall transmit to the Clerk of the County Council a copy of such abstract and statement, and the same shall be kept by the Clerk of the County Council as a record of his office. R. S. O. c. 174, s. 257. (36 V. c. 48, s. 206; 40 V. c. 7, *Sched. A* (174).)

Abstract to be sent yearly to Provincial Secretary.

264. The Clerk shall, on or before the first day of June in each year, under a penalty of \$20 in case of default, transmit to the Provincial Secretary a certified copy of the Auditors' abstract statement of the receipts and expenditures of the preceding year, and also a certified copy of the assets and liabilities of his Municipality as prepared by the said auditors. 43 V. c. 24, s. 6.

The council to audit finally, etc.

265. The Council shall, upon the report of the Auditors, finally audit and allow the accounts of the Treasurer and Collectors, and all accounts chargeable against the Corporation; and in case of charges not regulated by law, the Council shall allow what is reasonable. R. S. O. c. 174, s. 258. (36 V. c. 48, s. 207.)

Audit of moneys to be paid by Treasurer.

266. Unless otherwise provided, every County Council shall have the regulation and auditing of all moneys to be paid out of the funds in the hands of the County Treasurer. R. S. O. c. 174, s. 259. (36 V. c. 48, s. 208.)

Audit of accounts in cities and towns.

267. In Cities and Towns the Council may also appoint an Auditor, who shall, daily or otherwise as directed by the Council, examine and report and audit the accounts of the Corporation, in conformity with any regulation or by-law of the Council; and in other Municipalities the Auditors shall also, monthly or quarterly, as directed by by-law, examine into and audit the accounts of the Corporation. R. S. O. c. 174, s. 260. (36 V. c. 48, s. 209.)

In other municipalities.

Appointment of auditors by the city of Toronto.

268. Notwithstanding anything in this Act, the Council of the Corporation of the City of Toronto shall, during the month of December in each year, appoint two Auditors. R. S. O. c. 174, s. 261. (35 V. c. 77, s. 1.)

Mode of filling vacancies.

(2) The said Council in the event of a vacancy happening by death, resignation or otherwise may, by by-law, fill such vacancy, and the person so appointed shall hold office for the remainder of the year for which the original appointment was made.

Audit of accounts before payment.

(3) The said Council may also, by by-law, provide that the said Auditors shall audit all accounts before payment. 43 V. c. 24, s. 22.

269. Notwithstanding as aforesaid, the Auditors for the Monthly audit by auditors of City of Toronto. said City shall every month, commencing at the end of the first month in the following year, and so on to the end of such year, examine and report upon all accounts affecting the Corporation, or relating to any matter under its control or within its jurisdiction. R. S. O. c. 174, s. 262. (35 V. c. 77, s. 2.)

270. The said Auditors shall discharge the duties imposed upon Auditors by section 262 of this Act within one month Annual report by auditors of City of Toronto. after the thirty-first day of December in each year. R. S. O. c. 174, s. 263. (35 V. c. 77, s. 3.)

DIVISION VI.—VALUATORS.

Appointment and Duties. Sec. 271.

271. The Council of every County may appoint two or County council may appoint valuers, their duties, etc. more Valuers for the purpose of valuing the real property within the County, whose duty it shall be to ascertain in every fifth year at furthest, the value of the same in the manner directed by the County Council; but such Valuers shall not exceed the powers possessed by Assessors; and the valuation Equalization of real property. so made shall be made the basis of equalization of the real property by the County Council for a period not exceeding five years; and the equalization of personal property shall be as heretofore. R. S. O. c. 174, s. 264. (36 V. c. 48, s. 21.)

DIVISION VII.—DUTIES OF OFFICERS RESPECTING OATHS AND DECLARATIONS.

Declarations of office and qualification. Secs. 272, 274.

Before whom made. Sec. 275.

Certificate of Declaration. Sec. 275.

Persons to administer oaths and declarations. Sec. 276.

Record and deposit of. Sec. 277.

Oaths respecting matter before Council. Sec. 278.

Penalty for refusing office, or not making or refusing to administer declarations. Sec. 279.

272. Every person elected or appointed under this Act to any office requiring a qualification of property in the incumbent shall, before he takes the declaration of office, or enters on his duties, make and subscribe a solemn declaration to the effect following:

I, A. B., do solemnly declare that I am a natural born (or naturalized) Declaration of office by certain officers. subject of Her Majesty; and have and had to my own use and benefit, in qualification, my own right (or have and had in right of my wife, as the case may be),

Form of.

as proprietor (or tenant, as the case may be), at the time of my election (or appointment, as the case may require), to the office of

hereinafter referred to, such an estate as does qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected or appointed), and that such estate is (the nature of the estate to be specified, as an equitable estate of leasehold or otherwise, as the case may require, and if land, the same to be designated by its local description, rents or otherwise), and that such estate at the time of my election (or appointment, as the case may require) was of the value of at least (specifying the value) over and above all charges, liens and incumbrances affecting the same.

R. S. O. c. 174, s. 265. (36 V. c. 48, s. 211.)

(2) But where any person has been elected as Reeve, Deputy Reeve, or Councillor of any Township Council he may instead of the foregoing declaration make and subscribe a solemn declaration to the effect following:

I, A. B., do solemnly declare that I am a natural born (or naturalized) subject of Her Majesty; and have and had to my own use and benefit, in my own right (or have and had in right of my wife, as the case may be) as proprietor at the time of my election to the office of hereinafter referred to, such an estate as does qualify me to act in the office of (naming the office) for (naming the place for which such person has been elected), and that such estate is (the nature of the estate to be specified and the land to be designated by its local description), and that such estate at the time of my election was in my actual occupation, and was actually rated in the then last revised assessment roll of this Township (naming it) at an amount not less than \$4000. *Nov.*

Declaration of office by certain officers.

273. Every Returning Officer, Deputy Returning Officer and Poll Clerk, every Member of a Municipal Council, every Mayor, and every Clerk, Assessor, Collector, Constable, and other officer appointed by a Council, shall also, before entering on the duties of his office, make and subscribe a solemn declaration to the effect following:

Form of declaration of office.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (inserting the name of the office), to which I have been elected (or appointed) in this Township (or as the case may be), and that I have not received, and will not receive, any payment or reward, or promise of such, for the exercise of any partiality or malversation or other undue execution of the said office, and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said Corporation.

R. S. O. c. 174, s. 266. (36 V. c. 48, s. 212.)

Auditor's declaration.

274. The solemn declaration to be made by every Auditor shall be as follows:

Form of.

I, A. B., having been appointed to the office of Auditor for the Municipal Corporation of do hereby promise and declare that I will faithfully perform the duties of such office according to the best of my judgment and ability; and I do solemnly declare, that I had not directly or indirectly any share or interest whatever in any contract or employment (except that of Auditor, if reappointed) with, by, or on behalf of such Municipal Corporation, during the year preceding my appointment, and that I have not any such contract or employment, except that of Auditor for the present year.

R. S. O. c. 174, s. 267. (36 V. c. 48, s. 213.)

275.

275. The head and other members of the Council, and the subordinate officers of every Municipality, shall make the declaration of office and qualification before some Court, Judge, Police Magistrate, or other Justice of the Peace having jurisdiction in the Municipality for which such head, members or officers have been elected or appointed, or before the Clerk of the Municipality; and the Court, Judge, or other persons before whom such declarations are made, shall give the necessary certificate of the same having been duly made and subscribed. Before whom declaration to be made.
Certificate of declaration.
 R. S. O. c. 174, s. 268. (36 V. c. 48, s. 214.)

276. The head of any Council, any Alderman, Reeve or Deputy Reeve, any Justice of the Peace and Clerk of a Municipality may, within the Municipality, administer any oath, affirmation or declaration under this Act, relating to the business of the place in which he holds office, except where otherwise specially provided, and except where he is the party required to make the oath, affirmation or declaration. Certain officers may administer certain oaths, etc., within municipality.
 R. S. O. c. 174, s. 269. (36 V. c. 48, s. 215.)

277. The deponent, affirmant, or declarant shall subscribe every such oath, affirmation, or declaration, and the person administering it shall duly certify and preserve the same, and within eight days deposit the same in the office of the Clerk of the municipality to the affairs of which it relates. Oath or declaration to be subscribed by deponent and deposited with clerk of municipality.
 R. S. O. c. 174, s. 270. (36 V. c. 48, s. 216.)

278. The head of every Council, or in his absence the chairman thereof, may administer an oath or affirmation to any person concerning any account or other matter submitted to the Council. Head of council may administer certain oaths, etc.
 R. S. O. c. 174, s. 271. (36 V. c. 48, s. 217.)

279. Every qualified person duly elected or appointed to be a Mayor, Alderman, Reeve or Deputy Reeve, Councillor, Police Trustee, Assessor or Collector of or in any Municipality, who refuses such office, or does not within 20 days after knowing of his election or appointment, make the declarations of office and qualification where a property qualification is required, and every person authorized to administer any such declaration, who upon reasonable demand refuses to administer the same, shall on summary conviction thereof before two or more Justices of the Peace, forfeit not more than \$80, nor less than \$8, at the discretion of such Justices, to the use of the Municipality, together with the cost of prosecution. Penalty for refusing to accept office or administer declaration, etc.
How enforced.
 R. S. O. c. 174, s. 272; 43 V. c. 24, s. 7. (36 V. c. 48, s. 218.)

DIVISION VIII.—SALARIES, TENURE OF OFFICE AND SECURITY.

Appointment and remuneration of officers. Sec. 280.

Tenure of office and duties. Sec. 281.

Gratuities to retiring officers. Sec. 282.

Security to be given by officers. Sec. 283.

Criminal liabilities of officers. 29-30 V. c. 51, ss. 187, 188.

Salaries of
officers.

280. In case the remuneration of any of the officers of the Municipality has not been settled by Act of the Legislature, the Council shall settle the same, and the Council shall provide for the payment of all Municipal officers, whether the remuneration is settled by statute or by by-law of the Council.

Mode of
appointment.

(2) No Municipal Council shall assume to make any appointment to office, or any arrangement for the discharge of the duties thereof, by tender or to applicants at the lowest remuneration. R. S. O. c. 174, s. 273. (36 V. c. 48, s. 219.)

When municipality employing solicitor at a salary may recover costs.

(3) Where an attorney, solicitor or counsel, is employed by any municipality, whose remuneration is wholly or partly by salary, annual or otherwise, the municipality shall, notwithstanding, have the right to recover and collect lawful costs in all suits and proceedings in the same manner as if such attorney, solicitor or counsel, was not receiving such salary, when such costs are by the terms of his employment payable to such attorney, solicitor or counsel as part of his remuneration in addition to his salary. 44 V. c. 24, s. 5.

Tenure of
office.

Duties.

281. All officers appointed by a Council shall hold office until removed by the Council, and shall, in addition to the duties assigned to them in this Act, perform all other duties required of them by any other statute, or by the by-laws of the Council. R. S. O. c. 174, s. 274. (36 V. c. 48, s. 220.)

A gratuity
may be given
in certain
cases.

282. Any Municipal Council, other than a Provisional Council, may grant to any officer who has been in the service of the Municipality for at least 20 years, and who has, while in such service, become incapable through old age of efficiently discharging the duties of his office, a sum not exceeding his aggregate salary or other remuneration for the last three years of his service, as a gratuity upon his removal or resignation. R. S. O. c. 174, s. 275. (36 V. c. 48, s. 221.)

Corporations,
etc., may accept security
of certain
companies for
their officers.

283. The bonds or policies of guarantee of any incorporated or Joint Stock Company, empowered to grant guarantees, bonds or policies for the integrity and faithful accounting of public officers and other like purposes, may be accepted instead of, or in addition to, the bond or security of any officer or servant of any Municipal Corporation, in all cases where, by the provisions of this or any other Act or of any by-law of such Corporation, such officer or servant is required to give security,
either

either by himself, or by himself and a surety or sureties, and where the parties directed or authorized to take such security see fit to accept the bond or policy of such Company as aforesaid, and approve the terms and conditions thereof; and all the provisions in any such Act relating to such security, to be given by any such officer or servant, or his sureties, shall apply to the bonds and policies of guarantee of such Company as aforesaid, which may be taken instead of, or in substitution of, any existing securities, if the parties directed or authorized as aforesaid see fit, whereupon such existing securities shall be delivered up to be cancelled. R. S. O. c. 174, s. 276. (27-8 V. c. 7. s. 2.)

Provisions
respecting
such security
to apply.

Existing bonds
may be can-
celled.

[The following enactments, creating criminal liabilities, are made by Sections 187 and 188 of 29-30 V. c. 51 :—

EMBEZZLEMENT OF BOOKS, MONEYS, ETC.

187. All books, papers, accounts, documents, moneys, and valuable securities respectively, by any person or officer appointed or employed by or on behalf of any Council, kept or received by virtue of his office or employment, shall be the property of the Corporation; and in case any such person or officer refuses or fails to deliver up or pay over the same respectively to the Corporation, or to any person authorized by the Council to demand them, he shall be deemed guilty of a fraudulent embezzlement thereof, and may be prosecuted and punished in the same manner as a servant fraudulently embezzling any chattel, money or valuable security of his master; but nothing herein shall affect any remedy of the Corporation or of any other person against the offender or his sureties, or any other party; nor shall the conviction of such offender be receivable in evidence in any suit, at Law or in Equity, against him.

Embezzle-
ment by muni-
cipal officers.

STEALING WRITS OF ELECTION, POLL-BOOKS, ETC.

188. If any person steals, or unlawfully or maliciously, either by violence or stealth, takes from any Deputy Returning Officer or Poll Clerk, or from any other person having the lawful custody thereof, or from its lawful place of deposit for the time being, or unlawfully or maliciously destroys, injures or obliterates, or causes to be wilfully or maliciously destroyed, injured or obliterated, or makes or causes to be made any erasure, addition of names or interlineation of names, into or upon, or aids, counsels or assists in so stealing, taking, destroying, injuring or obliterating, or in making any erasure, addition of names or interlineation of names into or upon any writ of election or any return to a writ of election, or any indenture, poll-book, certificate or affidavit, or any other document or paper made, prepared or drawn out according to or for the purpose of meeting the requirements of the law in regard to municipal elections—every such offender shall be guilty of felony, and shall be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding seven nor less than two years, or to be imprisoned in any other place of confinement for any term less than two years, or to suffer such other punishment by fine or imprisonment, or both, as the Court shall award; and it shall not in any indictment for any such offence be necessary to allege that the article in respect of which the offence has been committed, was or is the property of any person, or that the same was or is of any value.]

Stealing or
destroying,
etc., certain
documents
relating to
municipal
elections to be
felony.

Punishment.

Value of docu-
ment need not
be stated.

PART



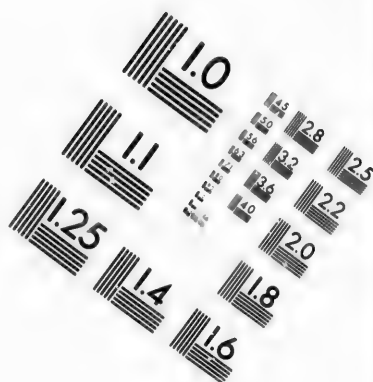
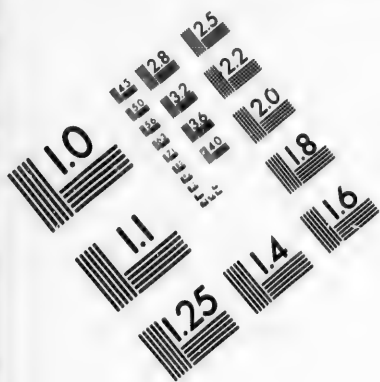
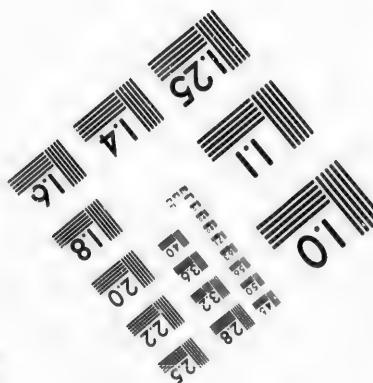
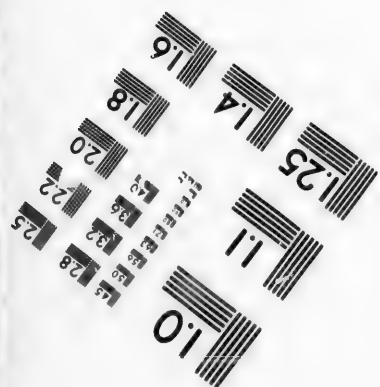
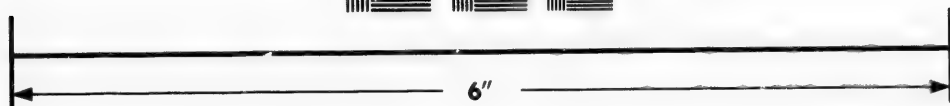
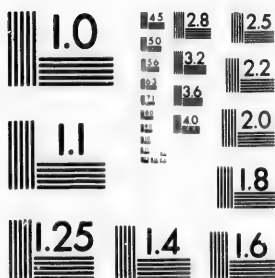


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PART VI.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

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- TITLE I.—GENERAL JURISDICTION OF COUNCILS.
 II.—RESPECTING BY-LAWS.
 III.—RESPECTING FINANCE.
 IV.—ARBITRATIONS.
 V.—DEBENTURES AND OTHER INSTRUMENTS.
 VI.—ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.
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TITLE I.—GENERAL JURISDICTION OF COUNCILS.

DIVISION I.—NATURE AND EXTENT.

- Confined to Municipality—How exercised. Sec. 284.*
General Powers. Sec. 285.
Traders' license fees. Sec. 286.
May not grant monopolies. Sec. 287.
Except as to Ferries. Sec. 288.

Jurisdiction of councils. **284.** The jurisdiction of every Council shall be confined to the Municipality the Council represents, except where authority beyond the same is expressly given and the powers of the Council shall be exercised by by-law when not otherwise authorized or provided for. R. S. O. c. 174, s. 277. (36 V. c. 48, s. 222.)

General power to make regulations ; **285.** Every Council may make regulations not specifically provided for by this Act, and not contrary to law, for governing the proceedings of the Council, the conduct of its members, the appointing or calling of special meetings of the Council, and generally such other regulations as the good of the inhabitants of the Municipality requires, and may repeal, alter and amend its by-laws, save as by this Act restricted. R. S. O. c. 174, s. 278. (36 V. c. 48, s. 223.)

To repeal, alter, etc., by-laws.

Traders' license fees.

286. In all cases where, under the provisions of this Act, or of any other Act, any Council or the Board of Commissioners of Police, in any City, or either of them, is or are authorized to pass by-laws for licensing any trade, calling, business, or profession, or the person carrying on or engaged in any such trade, calling, business, or profession, the said Council and the said Board of Commissioners of Police, respectively, shall have the power to pass by-laws for fixing the sum to be paid for an
 suc.

such license for exercising any such trade, calling, business, or profession, in the Municipality, and enforcing the payment of such license fee, and determining the time the license shall be in force. 42 V. c. 31, s. 23.

287. No Council shall have the power to give any person an exclusive right of exercising within the Municipality any trade or calling, or to impose a special tax on any person exercising the same, or to require a license to be taken for exercising the same, unless authorized or required by statute so to do; but the Council may direct a fee, not exceeding one dollar, to be paid to the proper officer for a certificate of compliance with any regulations in regard to such trade or calling. R. S. O. c. 174, s. 279. (36 V. c. 48, s. 224.)

Granting monopolies prohibited.
Proviso.

288. A Council may grant exclusive privileges in any ferry which may be vested in the Corporation represented by such Council, other than a ferry between a Province of the Dominion of Canada and any British or foreign country, or between two Provinces of the Dominion. R. S. O. c. 174, s. 280. (36 V. c. 48, s. 225.) See B. N. A. Act, 1867, s. 91 (13); R. S. O. c. 112; 45 V. c. 13; and sec. 495 (4), *post*.

Privileges of ferry.
Exception as to certain ferries.

TITLE II.—RESPECTING BY-LAWS.

- DIV. I.—AUTHENTICATION OF BY-LAWS.
- DIV. II.—OBJECTIONS BY RATEPAYERS.
- DIV. III.—VOTING ON BY ELECTORS.
- DIV. IV.—CONFIRMATION OF BY-LAWS.
- DIV. V.—QUASHING OF BY-LAWS.
- DIV. VI.—BY-LAWS CREATING DEBTS.
- DIV. VII.—BY-LAWS RESPECTING YEARLY RATES.
- DIV. VIII.—ANTICIPATORY APPROPRIATIONS.

DIVISION. I.—AUTHENTICATION OF BY-LAWS.

Original. Sec. 289.

Evidence of. Sec. 290.

Proof of facts for Lieutenant-Governor. Sec. 291.

289. Every by-law shall be under the seal of the Corporation, and shall be signed by the head of the Corporation, or by the person presiding at the meeting at which the by-law has been passed, and by the Clerk of the Corporation. R. S. O. c. 174, s. 281. (36 V. c. 48, s. 226.)

How by-laws to be authenticated.

290. A copy of any by-law, written or printed, without erasure or interlineation, and under the seal of the Corporation, and

Evidence of.

and certified to be a true copy by the Clerk, and by any member of the Council, shall be deemed authentic, and be received in evidence in any Court of justice without proof of the seal or signatures, unless it is specially pleaded or alleged that the seal or one or both of the signatures have been forged. R. S. O. c. 174, s. 282. (36 V. c. 48, s. 227.)

By-laws
requiring
assent of the
Lieut.-Gov.

291. The facts required by this Act to be recited in any by-law which requires the approval of the Lieutenant-Governor in Council, shall, before receiving such approval, be verified by solemn declaration, by the head of the Council, and by the Treasurer and Clerk thereof, and by such other person and on such other evidence as to the Lieutenant-Governor in Council satisfactorily proves the facts so recited; or in case of the death or absence of any such municipal officer, upon the declaration of any other member of the Council, whose declaration the Lieutenant-Governor in Council may accept. R. S. O. c. 174, s. 283. (36 V. c. 48, s. 228.)

DIVISION II.—OBJECTIONS BY RATEPAYERS.

When and how made. Sec. 292.

When Council shall act on objections. Sec. 293.

Opposition to
by-laws.

How to be
made.

292. In case any person rated on the assessment roll of any Municipality, or of any locality therein, objects to the passing of a by-law, the passing of which is to be preceded by the application of a certain number of the ratable inhabitants of such Municipality or place, he shall, on petitioning the Council, be at liberty to attend in person, or by counsel or attorney, before the Council at the time at which the by-law is intended to be considered, or before a committee of the Council appointed to hear evidence thereon, and may produce evidence that the necessary notice of the application for the by-law was not given, or that any of the signatures to the application are not genuine, or were obtained upon incorrect statements, and that the proposed by-law is contrary to the wishes of the persons whose signatures were so obtained, and that the remaining signatures do not amount to the number nor represent the amount of property necessary to the passing of the by-law. R. S. O. c. 174, s. 284. (36 V. c. 48, s. 229.)

When by-laws
shall not pass.

293. If the Council is satisfied upon the evidence that the application for the by-law did not contain the names of a sufficient number of persons whose names were obtained without fraud and in good faith, and who represent the requisite amount of property, and are desirous of having the by-law passed, or if the Council is satisfied that the notice required by law was not duly given, the Council shall not pass the by-law. R. S. O. c. 174, s. 285. (36 V. c. 48, s. 230.)

DIVISION

DIVISION III.—VOTING ON BY ELECTORS.

Proceedings preliminary to the Poll. Secs. 294-305.

The Poll. Secs. 306-320.

Who to Vote. Secs. 309-311.

Freeholders. Sec. 309.

Leaseholders. Sec. 310.

Oath of Freeholder. Sec. 312.

Oath of Leaseholder. Secs. 313, 314.

Proceedings after close of Poll. Secs. 315-320.

Requisites of certain bonus by-laws. Sec. 321.

Secrecy of Proceedings. Secs. 322, 323.

Scrutiny. Secs. 324-327.

Passing by-laws by Council. Secs. 328, 329.

294. In case a by-law requires the assent of the electors of a Municipality before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for:

(1) The Council shall by the by-law fix the day and hour for taking the votes of the electors, and such places in the Municipality as the Council shall in their discretion deem best for the purpose, and where the votes are to be taken at more than one place, shall name a Deputy Returning Officer to take the votes at every such place; and the day so fixed for taking the votes shall not be less than three, nor more than five weeks after the first publication of the proposed by-law. R. S. O. c. 174, s. 286 (1). (36 V. c. 48, s. 231 (1); 40 V. c. 8, s. 51.)

If a by-law requires the assent of the electors, mode of obtaining same.

Time and place of voting to be fixed by the by-law.

3 weeks

(2) The Council shall, before the final passing of the proposed by-law, publish a copy thereof in some public newspaper published either within the municipality or in the county town, or in a public newspaper published in an adjoining local municipality, as the Council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week for three successive weeks, and the Council shall put up a copy of the by-law at four or more of the most public places in the Municipality. 43 V. c. 24, s. 8.

Publication of by-law.

4 copies in Public Places

(3) Appended to each copy so published and posted shall be a notice signed by the Clerk of the Council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the Council after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held. R. S. O. c. 174, s. 286 (3). (36 V. c. 48, s. 231 (3).)

Notice.

"after one month"

295. Forthwith after the day has been fixed as aforesaid, for taking the votes of electors with respect to the by-law, the Clerk of the Municipal Council which proposed the by-law shall

Ballot papers to be printed.

shall cause to be printed, at the expense of the Municipality, such a number of ballot papers as will be sufficient for the purposes of the voting. R. S. O. c. 174, s. 287. (39 V. c. 35, s. 1.)

Form of. **296.** The ballot papers shall be according to the form of Schedule J to this Act. R. S. O. c. 174, s. 288. (39 V. c. 35, s. 2.)

Council to fix a day for appointment of persons to attend at polling places, and for summing up votes. **297.** The Council shall by the by-law fix a time when, and a place where the Clerk of the Council which proposed the by-law shall sum up the number of votes given for and against the by-law, and a time and place for the appointment of persons to attend at the various polling places, and at the final summing up of the votes by the Clerk respectively, on behalf of the persons interested in, and promoting or opposing the passage of the by-law respectively. R. S. O. c. 174, s. 289. (39 V. c. 35, s. 3.)

Selection of agents. **298.** At the time and place named the head of the Municipality shall appoint, in writing signed by him, two persons to attend at the final summing up of the votes, and one person to attend at each polling place on behalf of the persons interested in and desirous of promoting the passing of the by-law, and a like number on behalf of the persons interested in and desirous of opposing the passing of the by-law. R. S. O. c. 174, s. 290. (39 V. c. 35, s. 4.)

Agent to make declaration. **299.** Before any person is so appointed he shall make and subscribe before the head of the Municipality a declaration in the form of Schedule K to this Act, that he is interested in and desirous of promoting or opposing (as the case may be) the passing of the by-law. R. S. O. c. 174, s. 291. (39 V. c. 35, s. 5.)

Admission of agents to polling place, etc. **300.** Every person so appointed, before being admitted to the polling place or the summing up of the votes, as the case may be, shall produce to the Deputy Returning Officer or Clerk of the Municipality, as the case may be, his written appointment. R. S. O. c. 174, s. 292. (39 V. c. 35, s. 6.)

Appointment in absence of agent. **301.** In the absence of any person authorized as aforesaid to attend at any polling place, or at the final summing up of the votes, any elector in the same interest as the person so absent may, upon making and subscribing before the Deputy Returning Officer at the polling place or the Clerk of the Municipality a declaration in the form of Schedule K to this Act, be admitted to the polling place to act for the person so absent. R. S. O. c. 174, s. 293. (39 V. c. 35, s. 7.)

Exclusion from polling place. **302.** During the time appointed for polling no person shall be entitled or permitted to be present in any polling place other than the officers, clerks and persons or electors authorized to attend

attend as aforesaid at such polling place. R. S. O. c. 174, s. 294. (39 V. c. 35, s. 8.)

303. The Clerk of the Municipality, on the request of any elector entitled to vote at one of the polling places, who has been appointed Deputy Returning Officer or Poll Clerk, or who has been named as the person to attend at any polling place other than the one where he is entitled to vote, shall give to such elector a certificate that such Deputy Returning Officer, Poll Clerk or person is entitled to vote for or against such by-law at the polling place where such elector is stationed during the polling day, and such certificate shall also state the property or other qualification in respect to which he is entitled to vote.

Deputy returning officers, poll clerks, and agents may vote at polling place where they are employed,

(2) On the production of such certificate, such Deputy Returning Officer, Poll Clerk or person shall have the right to vote at the polling place where he is stationed during the polling day, instead of at the polling place of the Ward, or polling sub-division where he would otherwise have been entitled to vote; and the Deputy Returning Officer shall attach the certificate to the voters' list; but no such certificate shall entitle any such elector to vote at such polling place unless he has been actually engaged as such Deputy Returning Officer, Poll Clerk or person during the day of polling.

on certificate from the clerk of the municipality.

(3) In case of a Deputy Returning Officer voting at the polling place at which he is appointed to act, the Poll Clerk, or in the absence of the Poll Clerk, any one authorized to be present at such polling place, may administer to such Deputy Returning Officer the oath required to be taken of voters qualified to vote on the by-law. R. S. O. c. 174, s. 295. (39 V. c. 35, s. 9.)

Who to administer oath in such case.

304. In the case of Municipalities which are divided into Wards or polling sub-divisions, the Clerk of the Municipality shall, before the poll is opened, prepare and deliver to the Deputy Returning Officer for every Ward or polling sub-division, a voters' list in the form of Schedule C to this Act, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled, under the provisions of sections 309 and 310 of this Act, to vote in that Ward or polling sub-division, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. c. 174, s. 296; 45 V. c. 23, s. 15. (40 V. c. 12, s. 18 (1).)

Who to conduct the poll in municipalities divided into wards.

305. In the case of Municipalities which are not divided into Wards or polling sub-divisions, the Clerk shall provide himself with the necessary ballot papers, the materials for marking ballot papers, printed directions to voters, and a list of electors for the Municipality similar to the list mentioned in the preceding section; and the Clerk shall perform the like duties with respect to the whole Municipality as are imposed upon

In municipalities not divided into wards.

upon a Deputy Returning Officer in respect of a Ward or polling sub-division. R. S. O. c. 174, s. 297. (40 V. c. 12, s. 18 (2).)

The Poll.

Voting to be
by ballot.

306. At the day and hour fixed as aforesaid, a poll shall be held and the votes shall be taken by ballot. R. S. O. c. 174, s. 298. (39 V. c. 35, s. 10.)

Proceedings to
be as at muni-
cipal elections.

307. The proceedings at such poll, and for and incidental to the same, and the purposes thereof, shall be the same, as nearly as may be, as at municipal elections, and all the provisions of sections 119 to 175 inclusive, of this Act, so far as the same are applicable, and except so far as is herein otherwise provided, shall apply to the taking of votes at such poll, and to all matters incidental thereto. R. S. O. c. 174, s. 299. (39 V. c. 35, s. 11.)

For a of
directions for
guidance to
voters.

308. The printed directions to be delivered to the Deputy Returning Officers shall be in the form of Schedule L to this Act. R. S. O. c. 174, s. 300. (39 V. c. 35, s. 12.)

section 125 - page 444

Freeholders
who may vote
on by-laws.

309. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and, at the time of tender of the vote, of the full age of 21 years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is at the time of such tender a freeholder, either at Law or in Equity, in his own right or in right of his wife, of real property within such Municipality of sufficient value to entitle him to vote at any municipal election, and is rated on the last revised assessment roll as such freeholder, and is named or purported to be named in the voters' list of electors.

In case of new
municipality
where there
has been no as-
sessment roll.

(2) In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll shall be dispensed with, but in such case such person offering to vote shall not be entitled to vote unless he possesses the other qualifications above mentioned, and has, at the time of tender of his vote, sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer; and the Deputy Returning Officer shall note such property in the voters' list opposite the voter's name, at the request of any one entitled to vote on such by-law. R. S. O. c. 174, s. 301. (36 V. c. 48, s. 232; 39 V. c. 35, s. 26.)

Leaseholders
who may vote
on by-laws.

310. Any person shall be entitled to vote on any by-law requiring the assent of the electors, who is a male ratepayer, and

and at the time of tender of the vote is of the full age of 21 years, and a natural born or naturalized subject of Her Majesty, and who has neither directly nor indirectly received, nor is in expectation of receiving, any reward or gift for the vote which he tenders, and is resident within the Municipality for which the vote is taken for one month next before the vote, and who is or whose wife is a leaseholder of real property within such Municipality of sufficient value to entitle him to vote at a municipal election, and who is rated on the last revised assessment roll therefor, and which lease extends for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable; in which lease the lessee has covenanted to pay all municipal taxes in respect of the property leased, and which person is named, or purported to be named, in the voters' list. R. S. O. c. 174, s. 302 (1). (36 V. c. 48, s. 233, *part*; 39 V. c. 35, s. 26.)

(2) The said provisions as to the lease extending for the period of time within which the debt to be contracted or the money to be raised by such by-law is made payable, shall not apply to a by-law respecting local improvements, under section 629 of this Act. 45 V. c. 23, s. 6.

(3) In case of a new Municipality in which there has not been any assessment roll, the qualification of being named on such list and of being rated on the roll, and of residence for one month, shall be dispensed with, but in such case the person offering to vote shall not be entitled to vote unless possessing the other qualifications above mentioned, and unless he is at the time of tender of his vote a resident of the Municipality, and then has sufficient property to have entitled him to vote if he had been rated for such property, and unless at such time he names such property to the Deputy Returning Officer; and the Deputy Returning Officer shall note such property in the voters' list, opposite the voter's name, at the request of any one entitled to vote on such by-law. R. S. O. c. 174, s. 302 (2). (36 V. c. 48, s. 233, *part*; 39 V. c. 35, s. 26.)

311. Every unmarried woman and every widow who possesses the property qualification and other qualification which would, if she were a male ratepayer, entitle her to vote on by-laws requiring the assent of electors, shall have the same right of voting on such by-laws as male ratepayers, subject to the like conditions and restrictions as apply to male ratepayers, any law, statute or usage to the contrary notwithstanding. 45 V. c. 23, s. 15. See sec. 482 (10).

312. Any ratepayer offering to vote in respect of a freehold on any such by-law, may be required by the Deputy Returning Officer or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—

You

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty ;

That you are a freeholder in your own right (or in the right of your wife, as the case may require), within the Municipality for which this vote is taken ;

That you have not voted before on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list of electors ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote) ;

And no enquiries shall be made of any voter except with respect to the facts specified in such oath or affirmation. R. S. O. c. 174, s. 303. (36 V. c. 48, s. 234 ; 40 V. c. 8, s. 50.)

Oath of leaseholder voting on by-law, other than one respecting local improvements under section 620.

313. Any ratepayer offering to vote in respect of a leasehold on any such by-law, other than a by-law respecting local improvements, under section 620, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded :—

You swear that you are of the full age of 21 years, and a natural born or naturalized subject of Her Majesty ;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote ;

That you are (or your wife is), a leaseholder within this Municipality and the lease extends for the period of time within which the debt to be contracted or the money to be raised by the by-law now submitted to the ratepayers is made payable, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes ;

That you have not before voted on the by-law in this Township (or Ward, as the case may be) ;

That you are, according to law, entitled to vote on the said by-law ;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender ;

That you are the person named, or purporting to be named, in the voters' list ;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith ;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting ;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality) ;

And

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. R. S. O. c. 174, s. 304. (36 V. c. 48, s. 235; 40 V. c. 8, s. 50.)

314. Any ratepayer offering to vote in respect of a leasehold on any such by-law respecting local improvements, under section 620, may be required by the Deputy Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation, or any part thereof, or to the effect thereof, before his vote is recorded:—

(Oath of leaseholder voting on by-law respecting local improvements under section 620.)

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty;

That you have been a resident within the Municipality for which this vote is taken for one month next before the vote;

That you are (or your wife is) a leaseholder within this Municipality, and that you have (or the lessee in said lease has) covenanted in such lease to pay all municipal taxes;

That you have not before voted on the by-law in this Township (or Ward, as the case may be);

That you are, according to law, entitled to vote on the said by-law;

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender;

That you are the person named, or purporting to be named, in the voters' list;

That you have not received anything, nor has anything been promised to you directly or indirectly, either to induce you to vote on this by-law, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly or indirectly paid or promised anything to any person, either to induce him to vote or refrain from voting;

(In case of a new Municipality in which there has not been any assessment roll, then instead of swearing to residence for one month next before the vote, and of referring to being named in the voters' list, the person offering to vote may be required to name in the oath the property in respect of which he claims to vote, and that he is a resident of such Municipality);

And no enquiries shall be made of any voter, except with respect to the facts specified in such oath or affirmation. 45 V. c. 23, s. 6. See R. S. O. c. 174, s. 304.

315. The written statement to be made by each Deputy Returning Officer at the close of the polling shall be made under the following heads:—

Form of statement to be made by deputy returning officers of result of the polling.

(a) Name or number of Ward or polling subdivision, and of the Municipality, and the date of the polling;

(b) Number of votes for and against the by-law;

(c) Rejected ballot papers. R. S. O. c. 174, s. 305. (39 V. c. 35, s. 13.)

316. The Deputy Returning Officer shall take a note of any objection made by any person authorized to be present, to any ballot paper found in the ballot box, and shall decide any question arising out of the objection. Each objection to a ballot paper shall be numbered, and a corresponding number placed on the back of the ballot paper, and initialed by the Deputy Returning Officer. R. S. O. c. 174, s. 306. (39 V. c. 35, s. 14.)

Objections to ballot papers.

To be numbered.

Deputy
returning
officer's duties
after votes are
counted.

317. Every Deputy Returning Officer, at the completion of the counting of votes after the close of the poll, shall, in the presence of the persons authorized to attend, make up into separate packets, sealed with his own seal, and the seals of such persons authorized to attend as desire to affix their seals, and marked upon the outside with a short statement of the contents of such packet, the date of the day of the polling, the name of the Deputy Returning Officer, and of the Ward or polling subdivision and Municipality—

- (a) The statement of votes given for and against the by-law and of the rejected ballot papers;
- (b) The used ballot papers which have not been objected to and have been counted;
- (c) The ballot papers which have been objected to, but which have been counted by the Deputy Returning Officer;
- (d) The rejected ballot papers;
- (e) The spoiled ballot papers;
- (f) The unused ballot papers;
- (g) The voters' list, with the oath in the form of Schedule G annexed thereto; a statement of the number of voters whose votes are marked by the Deputy Returning Officer, under the heads "Physical incapacity" and "Unable to read," with the declarations of inability; and the notes taken of objections made to ballot papers found in the ballot box. R. S. G. c. 174, s. 307. (39 V. c. 35, s. 15.)

Certificate and
declaration of
deputy return-
ing officer and
return of
voters' list and
of ballot box.

318. Every Deputy Returning Officer shall, at the close of the poll, certify under his signature on the voters' list in full words the total number of persons who have voted at the polling place at which he has been appointed to preside, and shall before placing the voters' list in its proper packet as aforesaid, make and subscribe before the Clerk of the Municipality, a Justice of the Peace or the Poll Clerk, his solemn declaration that the voters' list was used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made; which declaration shall be in the form of Schedule G to this Act, and shall thereafter be annexed to the voters' list: he shall also forthwith return the ballot box to the Clerk of the Municipality. R. S. O. c. 174, s. 308. (39 V. c. 35, s. 16.)

Deputy re-
turning officer
to certify as to
number of
votes and
rejected ballot
papers.

319. Every Deputy Returning Officer, upon being requested so to do, shall deliver to the persons authorized to attend at his polling place a certificate of the number of votes given at the polling place for and against the by-law, and of the number of rejected ballot papers. R. S. O. c. 174, s. 309. (39 V. c. 35, s. 17.)

320. The Clerk, after he has received the ballot papers and statements before mentioned of the number of votes given in each polling place, shall, at the time and place appointed by the by-law, in the presence of the persons authorized to attend or such of them as may be present, without opening any of the sealed packets of ballot papers, sum up from such statements the number of votes for and against the by-law, and shall then and there declare the result, and forthwith certify to the Council under his hand whether the majority of the electors voting upon the by-law have approved or disapproved of the by-law. R. S. O. c. 174, s. 310. (39 V. c. 35, s. 18.)

Clerk to cast up votes and declare result.

321. Where the assent of the electors, or of the ratepayers, or any proportion of them, is necessary to the validity of a by-law, the Clerk or other officer shall not be entitled to give a casting vote. *New.*

Clerk not to have casting vote as to certain by-laws.

322. To render valid a by-law of any Municipality for granting a bonus in aid of a railway or for promoting any manufacture, or for taking stock in any railway company, or for lending money to such company, or for guaranteeing the payment of money borrowed by any such company, or for lending money to any other company or person on condition of such company or person establishing or continuing a manufactory in or near such Municipality, the assent shall be necessary of two-fifths of all ratepayers who were entitled to vote, as well as of a majority of the ratepayers voting on the by-law.

Requisites to validity of certain bonus by-laws.

(2) In such case, in addition to the certificate required by section 320 of this Act, the Clerk, in case of the majority of votes being in favour of the by-law, shall further certify whether or not, as far as shewn by the voters' list and assessment roll, such majority appears to be two-fifths of all the voters who were entitled to vote on the by-law.

(3) In case of dispute as to the result of the vote, the Judge shall have the same powers for determining the question as he has in any case of a scrutiny of the votes. 45 V. c. 23, s. 17.

(4) The petition to the Judge may be by any elector, or by the council; and the proceedings for obtaining the judge's decision shall be the same, as nearly as may be, as in the case of a scrutiny. 43 V. c. 27, s. 16 (2).

Secrecy of Proceedings.

323. Every officer, clerk and person in attendance at a polling place shall maintain and aid in maintaining the secrecy of the voting at the polling place.

Maintaining secrecy of proceedings at polling.

(2) No officer, clerk or other person whosoever, shall interfere with or attempt to interfere with a voter when marking his vote, or otherwise attempt to obtain at the polling place information as to the manner in which any voter at such polling place is about to vote or has voted.

Voter not to be interfered with.

(3)

No information to be given as to how any one voted.

Secrecy to be maintained at counting.

Voters not to be induced to disclose votes.

Penalty for contravening this section.

Statutory declaration of secrecy to be made by officers, etc., before a poll.

Scrutiny may be had on application to County Judge.

(3) No officer, clerk, or other person shall communicate at any time to any person any information obtained at a polling place as to the manner in which any voter at such polling place is about to vote or has voted.

(4) Every officer, clerk and person in attendance at the counting of the votes, shall maintain and aid in maintaining the secrecy of the voting, and shall not communicate or attempt to communicate any information obtained at such counting as to the manner in which any vote is given in any particular ballot paper.

(5) No person shall, directly or indirectly, induce any voter to display his ballot paper after he has marked the same, so as to make known to any person the manner in which he has marked his vote.

(6) Every person who acts in contravention of this section shall be liable, on summary conviction before a Stipendiary Magistrate, Police Magistrate, or two Justices of the Peace, to imprisonment for any term not exceeding six months, with or without hard labour. R. S. O. c. 174, s. 311. (39 V. c. 35, s. 19.)

324. The Clerk of the Municipality, and every officer, clerk or person authorized to attend a polling place, or at the counting of the votes, shall, before the opening of the poll, make a statutory declaration of secrecy, in the presence, if he is the Clerk of the Municipality, of a Justice of the Peace, and if he is any other officer, or a clerk, or an agent, in the presence of a Justice of the Peace or the Clerk of the Municipality or a Deputy Returning Officer; and such statutory declaration of secrecy shall be in the form given in Schedule M to this Act, or to the like effect. R. S. O. c. 174, s. 312. (39 V. c. 35, s. 20.)

Scrutiny.

325. If within two weeks after the Clerk of the Council which proposed the by-law has declared the result of the voting, any elector applies upon petition to the County Judge, after giving such notice of the application and to such persons as the Judge directs, and shews by affidavit to the Judge reasonable grounds for entering into a scrutiny of the ballot papers, and the petitioner enters into a recognizance before the Judge in the sum of \$100, with two sureties (to be allowed as sufficient by the Judge upon affidavit of justification) in the sum of \$50 each conditioned to prosecute the petition with effect, and to pay the party against whom the same is brought any costs which may be adjudged to him against the petitioner, the Judge may appoint a day and place within the Municipality for entering into the scrutiny. R. S. O. c. 174, s. 313. (39 V. c. 35, s. 21.)

Notice of time of scrutiny.

326. At least one week's notice of the day appointed for the scrutiny shall be given by the petitioner to such persons as the

the Judge directs, and to the Clerk of the Municipality. R. S. O. c. 174, s. 314. (39 V. c. 35, s. 22.)

327. At the day and hour appointed, the Clerk shall attend Proceedings. before the Judge with the ballot papers in his custody, and the Judge, upon inspecting the ballot papers and hearing such evidence as he may deem necessary, and on hearing the parties, or such of them as may attend, or their counsel, shall in a summary manner determine whether the majority of the votes given is for or against the by-law, and shall forthwith certify the result to the Council. R. S. O. c. 174, s. 315. (39 V. c. 35, s. 23.)

328. The Judge shall on such scrutiny possess the like Powers of Judge. powers and authority as to all matters arising upon such scrutiny as are possessed by him upon a trial of the validity of the election of a member of a Municipal Council; and in all cases Costs. costs shall be in the discretion of the Judge, as in the case of applications to quash a by-law, or he may apportion the costs as to him seems just. R. S. O. c. 174, s. 316. (39 V. c. 35, s. 25.)

Passing by-laws by Council.

329. Any by-law which is carried by a majority of the duly By-law carried by voters to be passed by council. qualified electors voting thereon, shall within six weeks thereafter be passed by the Council which submitted the same. R. S. O. c. 174, s. 317. (36 V. c. 48, s. 236.) But see sec. 322, *ante*.

330. In case of a petition being presented, the by-law shall The passing of the by-law stayed on presenting of a petition. not be passed by the Council until after the petition has been disposed of; and the time which intervenes between the presenting of the petition and the final disposal thereof shall not be reckoned as part of the six weeks within which the by-law is to be passed. R. S. O. c. 174, s. 318. (39 V. c. 35, s. 24.)

DIVISION IV.—CONFIRMATION OF BY-LAWS.

By publication. Sec. 331.

Notice. Sec. 332.

When not moved against. Sec. 333.

331. Every promulgation of a by-law shall consist in the Promulgation of by-laws. publication through the public press, of a true copy of the by-law, and of the signature attesting its authenticity, with a notice appended thereto of the time limited by law for applications to the Courts to quash the same or any part thereof, and the publication aforesaid shall be in such public newspaper published either within the Municipality, or in the County Town, or in a public newspaper published in an adjoining local municipality, as the Council may designate by resolution, and the publication

tion shall, for the purpose aforesaid, be continued in at least one number of such paper, each week, for three successive weeks. 42 V. c. 31, s. 9.

Form of notice to be published with by-law.

332. The notice to be appended to every copy of the by-law for the purpose aforesaid shall be to the effect following:—

NOTICE.—The above is a true copy of a by-law passed by the municipal council of the _____ of _____ on the _____ day of _____ A.D. 18____ and approved by His Honour, the Lieutenant-Governor in Council, on the _____ day of _____ A.D. 18____ (*where such approval is required to give effect to such by-law*): And all persons are hereby required to take notice that any one desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the High Court of Justice, at Toronto, within three months next after the publication of this notice once a week for three successive weeks, in the newspaper called the _____ or he will be too late to be heard in that behalf. 44 V. c. 24, s. 32.

If not moved against within the time limited, to be valid.

333. In case no application to quash any by-law is made within three months next after the third publication of such by-law and notice as aforesaid, the by-law, or so much thereof as is not the subject of any such application, or not quashed upon such application, so far as the same ordains, prescribes or directs anything within the proper competence of the Council to ordain, prescribe or direct, shall, notwithstanding any want of substance or form, either in the by-law itself, or in the time or manner of passing the same, be a valid by-law. R. S. O. c. 174, s. 321; 44 V. c. 24, s. 33. (36 V. c. 48, s. 239.)

DIVISION V.—QUASHING BY-LAWS.

How to proceed. Sec. 334.

Time limited for applications. Secs. 335, 336.

Motion against for corrupt practices. Secs. 337, 338.

Staying proceedings upon the by-law. Sec. 339.

Liability of Municipality for acts under illegal by-law. Sec. 340.

Tender of amends. Sec. 341.

Quashing by-law.

334. In case a resident of a Municipality, or any other person interested in a by-law, order or resolution of the Council thereof, applies to the High Court of Justice and produces to the Court a copy of the by-law, order, or resolution, certified under the hand of the Clerk and under the corporate seal, and shews by affidavit that the same was received from the Clerk, and that the applicant is resident or interested as aforesaid, the Court, after at least four days service on the Corporation of a rule

rule to shew cause in this behalf, may quash the by-law, order, or resolution, in whole or in part, for illegality, and, according to the result of the application, award costs for or against the Corporation. R. S. O. c. 174, s. 322. (36 V. c. 48, s. 240.)

335. No application to quash any such by-law, order or resolution in whole or in part, shall be entertained by any Court unless such application is made to such Court within one year from the passing of such by-law, order or resolution, except in the case of a by-law requiring the assent of electors or ratepayers, when such by-law has not been submitted to, or has not received the assent of such electors or ratepayers, and in such case an application to quash such by-law may be made at any time. R. S. O. c. 174, s. 323. (36 V. c. 48, s. 241.)

Time within which application must be made.
Exception.

336. In case a by-law by which a rate is imposed has been promulgated in the manner hereinbefore specified, no application to quash the by-law shall be entertained after the expiration of three months from the promulgation. R. S. O. c. 174, s. 324. (36 V. c. 48, s. 242.)

Time after which by-law imposing a rate cannot be quashed, if promulgated.

337. Any by-law the passage of which has been procured through or by means of any violation of the provisions of sections 207 and 208 of this Act shall be liable to be quashed upon any application to be made in conformity with the provisions hereinbefore contained. R. S. O. c. 174, s. 325. (36 V. c. 48, s. 243.)

Quashing by-laws obtained by bribery, etc.

338. Before determining any application for the quashing of a by-law upon the ground that any of the provisions of the said sections 207 and 208 of this Act have been contravened in procuring the passing of the same, and if it is made to appear to a Judge of the High Court of Justice that probable grounds exist for a motion to quash such by-law, the Judge may make an order for an inquiry to be held, upon such notice to the parties affected as the Judge may direct concerning the said grounds, before the Judge of the County Court of the County in which the Municipality which passed the by-law is situate, and require that upon such inquiry all witnesses, both against and in support of such by-law, be orally examined and cross-examined upon oath before the said County Court Judge.

Procedure in such case.
Inquiry by County Judge.

(2) The said County Court Judge shall thereupon return the evidence so taken before him to one of the Registrars of the High Court at Toronto; and after the return of said evidence, and upon reading the same, any Judge of the said High Court may, upon notice to such of the parties concerned as he thinks proper, proceed to hear and determine the question; and if the grounds therefor appear to him to be satisfactorily established, he may make an order for quashing said by-law, and he may order the costs attending said proceedings to be paid by the parties or any of them who have supported said by-law; and if

Return of evidence.
Judgment.
Costs.

if it appears that the application to quash said by-law ought to be dismissed, the said Judge may so order, and in his discretion award costs, to be paid by the persons applying to quash said by-law. R. S. O. c. 174, s. 326. (36 V. c. 48, s. 244.)

Stay of proceedings on the by-law.

339. After an order has been made by a Judge directing an inquiry, and after a copy of such order has been left with the Clerk of the Corporation of which the by-law is in question, all further proceedings upon the by-law shall be stayed until after the disposal of the application in respect of which the inquiry has been directed; but if the matter is not prosecuted to the satisfaction of the Judge, he may remove the stay of proceedings. R. S. O. c. 174, s. 327. (36 V. c. 48, s. 245.)

Municipality to be liable for acts done under illegal by-law.

Notice of action.

340. In case a by-law, order or resolution is illegal in whole or in part, and in case anything has been done under it which, by reason of such illegality, gives any person a right of action, no such action shall be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the Corporation, and every such action shall be brought against the Corporation alone, and not against any person acting under the by-law, order or resolution. R. S. O. c. 174, s. 328. (36 V. c. 48, s. 246.)

Tender of amends.

341. In case the Corporation tenders amends to the plaintiff or his attorney, if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but costs shall be taxed to the defendant, and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. R. S. O. c. 174, s. 329. (36 V. c. 48, s. 247.) See sec. 431.

DIVISION VI.—BY-LAWS CREATING DEBTS.

Requisite formalities. Secs. 342-344.

Principal may be repayable by annual instalments. Sec. 344.

Special rates a charge on property. Sec. 345.

Assent of electors, when required. Sec. 346.

When special Council meeting requisite. Sec. 347.

When repealable and when not. Secs. 348, 349.

Illegal repeal to be ignored by Municipal Officers. Sec. 350.

Purchase of Public Works, etc., by Councils. Sec. 351.

Rates to be imposed therefor. Sec. 352.

Registration of By-laws. Secs. 353-357.

By-laws for contracting debts.
Terms of.

342. Every Municipal Council may, under the formalities required by law, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the ratable property of the Municipality, for any purpose

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pose within the jurisdiction of the Council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions, except in so far as is otherwise provided in the next two sections of this Act.

(1) The by-law, if not for creating a debt for the purchase of public works, shall name a day in the financial year in which the same is passed when the by-law is to take effect; When to take effect.

(2) If not contracted for gas or water-works, or for the purchase of public works according to the statutes relating thereto, the whole of the debt and the obligations to be issued therefor shall be made payable in twenty years at furthest from the day on which such by-law takes effect; and if the debt is contracted for gas or water-works, the same shall in like manner be paid in thirty years at furthest from the day on which the by-law takes effect; R. S. O. c. 174, s. 330, *part.* (36 V. c. 48, s. 248, *part.*) When debt to be redeemed.
If for gas or water-works, etc.

(3) The by-law shall settle a certain specific sum to be raised annually for the payment of interest during the currency of the debentures; also a certain specific sum to be raised annually for the payment of the debt: such sum to be such as will be sufficient, with the estimated interest on the investments thereof, to discharge the debt when payable; Yearly rate.

(4) In settling the sum to be raised annually for the payments of the debt, the rate of interest on investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly; Interest on investments how estimated.

(5) The by-law shall provide that such annual sum shall be raised and levied in each year by a special rate, sufficient therefor, on all the ratable property in the Municipality; or, if the by-law is for a work payable by local assessment, on all the property ratable under the by-law or per foot frontage as the case may be. 42 V. c. 31, s. 10. Property on which rate to be levied.

(6) The by-law, unless it is for a work payable by local assessment, shall recite in:—

(a) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created; Amount and object of debt;

(b) The total amount required by this Act to be raised annually by special rate for paying the new debt and interest; Amount to be raised annually;

(c) The amount of the whole ratable property of the Municipality according to the last revised, or revised and equalized assessment roll; R. S. O. c. 174, s. 330, *part.* (36 V. c. 48, s. 248, *part.*) The value of the ratable property.

(d) The amount of the existing debenture debt of the Municipality, and how much (if any) of the principal or interest is in arrear. 42 V. c. 31, s. 11. Amount of existing debt.

By-law for a work payable by local assessment must recite :—

Amount and object of debt ;

Amount to be raised annually ;

Value of real property ratable ;

That debt created on security of special rate.

343. If the by-law is for a work payable by local assessment, it shall recite :—

(a) The amount of the debt which such by-law is intended to create, and, in some brief and general terms, the object for which it is to be created ;

(b) The total amount required by this Act to be raised annually by special rate for paying the debt and interest under the by-law ;

(c) The value of the whole real property ratable under the by-law, as ascertained and finally determined as aforesaid ;

(d) That the debt is created on the security of the special rate settled by the by-law, and on that security only. R. S. O. c. 174, s. 331 ; 42 V. c. 31, s. 12. (36 V. c. 48, s. 249.)

Municipal council may make principal repayable by equal annual instalments.

344. In any case of passing a by-law for contracting a debt, by borrowing money for any purpose, the Municipal Council may in its discretion make the principal of such debt repayable by annual instalments during the currency of the period (not exceeding 30 years, if the debt is for gas or water-works, and not exceeding 20 years if the debt is for any other purpose) within which the debt is to be discharged ; such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of such period ; and may issue the debentures of the Municipal Corporation for the amounts, and payable at the times, corresponding with such instalments, together with interest, annually or semi-annually, as may be set forth and provided in such by-law. R. S. O. c. 174, s. 332, *part*. (36 V. c. 48, s. 250, *part*.)

What by-law shall set out.

(2) Such by-law shall set forth a certain specific sum, to be raised in each year during the currency of the debt, which annual sum shall be sufficient to discharge the several instalments of principal and interest accruing due on such debt, as the said instalments and interest become, respectively, payable according to the terms of the by-law ; and in cases within this section it shall not be necessary that any provision be made for a sinking fund. 42 V. c. 31, s. 13.

Special rates a charge on property.

345. Every special assessment made and every special rate imposed and levied under any of the provisions of this Act, and all sewer rents and charges for work or services done by the Corporation, on default of the owners of real estate, under the provisions of any valid by-law of the Council of the said Corporation, shall form a lien and charge upon the real estate upon or in respect of which the same shall have been assessed and rated or charged, and shall be collected in the same manner, and with the like remedies, as ordinary taxes upon real estate are collectable, under the provisions of the Assessment Act. 42 V. c. 31, s. 25.

346. Every by-law (except for drainage, as provided for under section 370 of this Act, or for a work payable entirely by local assessment) for raising upon the credit of the Municipality any money not required for its ordinary expenditure, and not payable within the same municipal year, shall, before the final passing thereof, receive the assent of the electors of the Municipality in the manner provided for in section 294 and following sections of this Act; except that in Counties the County Council may raise by by-law or by-laws, without submitting the same for the assent of the electors of such County or Counties, for contracting debts or loans, any sum or sums not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure. *R. S. O. c. 174, s. 333. (36 V. c. 48, s. 251.)*

By-laws for raising money not for ordinary expenses must (with certain exceptions) receive assent of electors.

Exception as to by-laws for contracting extra debts not exceeding in any year \$20,000.

(2) Provided always, that where a county and city are united for judicial purposes the Council of the County or City may, by by-law or by-laws passed at any meeting of such Council, without submitting the same for the assent of the electors of such County or City, as the case may be, for contracting such debt, raise such sums of money as may be required for erecting, building and furnishing a Court House, and offices to be used in connection therewith, and for acquiring such land as may be necessary or convenient for the purposes of such Court House and offices. *44 V. c. 24, s. 6.*

Exception as to erecting court house and offices.

347. No such by-law of a County Council for contracting any such debt or loan for an amount not exceeding in any one year \$20,000 over and above the sums required for its ordinary expenditure, other than a by-law to raise money for erecting, building and furnishing a Court House and offices aforesaid, or for acquiring land as provided in the second subsection of the preceding section, shall be valid, unless the same is passed at a meeting of the Council specially called for the purpose of considering the same, and held not less than three months after a copy of such by-law, as the same is ultimately passed, together with a notice of the day appointed for such meeting, has been published in some newspaper issued weekly or oftener within the County (as constituted for judicial purposes), or if there is no such public newspaper, then in a public newspaper published nearest to the County, which said notice may be to the effect following:—

Certain by-laws of county council not to be valid unless passed at meeting specially called and held three months after notice, etc.

The above is a true copy of a proposed by-law to be taken into consideration by the Municipality of the County (or United Counties) of _____, in the said County (or United Counties), on the _____ day of _____, 18____, at the hour of _____ o'clock in the _____ noon, at which time and place the members of the Council are hereby required to attend for the purpose aforesaid.

Form of notice.

G. H.
Clerk.

R. S. O. c. 174, s. 334; 44 V. c. 24, s. 7. (37 V. c. 16, s. 8. 40 V. c. 7, Sched. A (175).)

When part only of money raised, by-law may be repealed as to residue.

Proviso.

Until debt paid certain by-laws cannot be repealed,

Nor altered.

Exceptions.

No officer to neglect, etc., to carry out by-law for payment under colour of illegal by-law.

Municipal councils may purchase public works, etc., and contract debts to Crown,

although no special or other annual rate settled.

348. Where part only of a sum of money provided for by a by-law has been raised, the Council may repeal the by-law as to any part of the residue and as to a proportionate part of the special rate imposed therefor, provided the repealing by-law recites the facts on which it is founded, and is appointed to take effect on the thirty-first day of December in the year of its passing, and does not affect any rates due, or penalties incurred before that day, and provided the by-law is first approved by the Lieutenant-Governor in Council. R. S. O. c. 174, s. 335. (36 V. c. 48, s. 253.)

349. After a debt has been contracted, the Council shall not, until the debt and interest have been paid, repeal the by-law under which the debt was contracted, or any by-law for paying the debt or the interest thereon, or for providing therefor a rate or additional rate, or appropriating thereto the surplus income of any work or of any stock or interest therein, or money from any other source; and the Council shall not alter a by-law providing any such rate, so as to diminish the amount to be levied under the by-law, except in the cases herein authorized, and shall not apply to any other purpose any money of the Corporation which, not having been previously otherwise appropriated by any by-law or resolution, has been directed to be applied to such payment. R. S. O. c. 174, s. 336. (36 V. c. 48, s. 254.)

350. No officer of the Municipality shall neglect or refuse to carry into effect a by-law for paying a debt under colour of a by-law illegally attempting to repeal such first mentioned by-law, or to alter the same so as to diminish the amount to be levied under it. R. S. O. c. 174, s. 337. (36 V. c. 48, s. 255.)

351. Any Council may contract a debt to Her Majesty in the purchase of any of the public roads, harbours, bridges, buildings or other public works in Ontario, whether belonging to this Province or to the Dominion of Canada, or of any claim in respect of such works, and may execute such bonds, deeds, covenants, and other securities to Her Majesty, as the Council may deem fit, for the payment of the price of any such public work or claim already sold or transferred, or which may sold or transferred, or agreed to be sold or transferred to the Municipal Corporation, and for securing the performance and observance of all or any of the conditions of sale or transfer; and may also pass all necessary by-laws for any of the purposes aforesaid; and all such by-laws, debts, bonds, deeds, covenants and other securities shall be valid, although no special or other annual rate has been settled or imposed to be levied in each year, as provided by sections 342 to 344 of this Act. R. S. O. c. 174, s. 338. (36 V. c. 48, s. 256.)

352. The Council may in any by-law to be passed for the creation of any such debt, or for the executing of any such bonds, deeds, covenants, or other securities as aforesaid, to Her Majesty, or in any other by-law to be passed by the Council, settle and impose a special rate per annum, of such amount as the Council may deem expedient, in addition to all other rates whatsoever, to be levied in each year upon the assessed ratable property within the Municipality, for the payment and discharge of such debts, bonds, deeds, covenants or other securities, or some part thereof, and the by-laws shall be valid, although the rate settled or imposed thereby is less than is required by the sections last mentioned; and the said sections shall, so far as applicable, apply and extend to every such by-law, and the moneys raised or to be raised thereby, as fully in every respect as such provisions would extend or apply to any by-law enacted by any Council for the creation of any debt as provided in the said sections, or to the moneys raised or to be raised thereby. R. S. O. c. 174, s. 339. (36 V. c. 48, s. 257.)

Rates may be imposed for the payment of debts contracted with the Crown for such works.

Registration of By-laws.

353. Every by-law passed by any Municipality for contracting any debt, by the issue of debentures for a longer term than one year, and for levying rates for the payment of such debts, on the ratable property of the Municipality, or any part thereof, shall be registered by the clerk of such Municipality, if a county, in the registry office for the county in which the county town is situate, or in case of local Municipalities in the registry office of the registration division in which the local Municipality is situate, within two weeks after the final passing thereof by such Municipality. 44 V. c. 24, s. 28 (*part*).

By-laws creating debts to be registered.

354. Every such by-law so registered and the debentures issued thereunder, shall be absolutely valid and binding upon such Municipality, according to the terms thereof, and shall not be quashed or set aside on any ground whatever, unless an application or suit to quash or set aside the same be made to some court of competent jurisdiction within three months from the registry thereof, and a certificate under the hand and seal of the clerk of the said court, stating that such suit or proceeding has been brought or application made shall have been registered in said registry office within such period of three months.

Applications to set aside registration.

(2) If such suit or proceeding be dismissed, in whole or in part, then the said by-law or so much thereof as is not the subject of said application, or not quashed upon application, shall be absolute and binding, according to the terms thereof, on the expiration of three months from the date of the registration of such by-law; upon the dismissal of any such suit or proceeding, a certificate to that effect may be registered in the said registry office.

When by-law, or so much thereof as is not quashed, to be valid.

Certificate of dismissal of suit.

(3)

Publication of
notice.

(3) Notice of the passing of every by-law to which this and the preceding section refer, and which has not been submitted to the ratepayers, shall immediately after the registration of such by-law be published in some public newspaper, published either within the Municipality, or in the county town, or in a public newspaper in an adjoining local Municipality, as the Council may designate by resolution, and the publication shall, for the purpose aforesaid, be continued in at least one number of such paper each week, for three successive weeks. 44 V. c. 24, s. 28 (*part*). See sec. 469.

Exception as
to local im-
provement
by-laws.

355. Nothing in the two preceding sections contained shall make it obligatory upon any city, town, or incorporated village to register any by-laws providing for the issue of debentures passed under the provisions of this Act relating to local improvements, but the same may be so registered at the option of the Municipality. 44 V. c. 24, s. 28 (*part*).

Form of
notice.

356. The notice required to be published by section 354, shall be in the form following, or to the like effect:

Notice is hereby given that a by-law was passed by the
of of on the
day of A.D. 18 , providing for the issue of
debentures to the amount of \$ for
the purpose of and that such by-law was
registered in the registry office of the county
of on the day of
A.D. 18 .

Any motion to quash or set aside the same or any part thereof must be made within three months from the date of registration and cannot be made thereafter.

Dated the day of 18 .

Clerk.

44 V. c. 24, s. 23.

Manner of
registration.

357. Said by-laws shall be registered in the way and manner provided by the Revised Statutes of Ontario, chapter one hundred and seventy-six, and the Registrar shall be paid the sum of \$2 for registration thereof. 44 V. c. 24, s. 30.

Form of cer-
tificate of
pending suit.

358. The certificate first referred to, in section 354, shall be in the form or to the effect following:—

In the (name of court).

This is to certify that in a certain suit or proceeding in this court, entitled the validity of by-law No. of the entitled a by-law has been called in question (*if a portion only of the by-law is called in question, state the fact*).

Dated,

(Signed), A. B.
Clerk of

{ Seal. }

(2)

(2) The certificate of dismissal of such suit or proceeding shall be in the form or to the effect following:—

Form of certificate of dismissal of suit.

In the (name of court).

I hereby certify that the suit or proceeding in this court, entitled calling in question the validity of by-law No. of the has been dismissed (or if dismissed in part and granted in part, set out the order made, verbatim).

Dated,

(Signed,) A. B.
Clerk of

{ Seal }

(3) The registrar shall be entitled to the sum of fifty cents for registering either of said certificates. 44 V. c. 24, s. 31. Fee for registration.

DIVISION VII.—BY-LAWS RESPECTING YEARLY RATES.

Amount and Limit of Rates. Sec. 359.

How estimated. Sec. 360.

Estimates and By-laws to be annual. Secs. 361, 362.

In case of deficiency. Secs. 363, 364.

In case of excess. Sec. 365.

Date from which Taxes imposed. Sec. 366.

Priority of Debentures. Sec. 367.

Power to exempt from taxation. Sec. 368.

Reduction of Special Rate. Sec. 369.

Formalities in By-law therefor. Sec. 370.

359. The Council of every Municipal Corporation, and of every Provisional Corporation, shall assess and levy on the whole ratable property within its jurisdiction, a sufficient sum in each year to pay all valid debts of the Corporation, whether of principal or interest, falling due within the year, but no such Council shall assess and levy in any one year more than an aggregate rate of two cents in the dollar on the actual value, exclusive of school rates.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Aggregate rate limited to two cents in the dollar.

(2) If in any Municipality the aggregate amount of the rates necessary for the payment of the current annual expenses of the Municipality, and the interest and the principal of the debts contracted by such Municipality on the 29th day of March, 1873, exceed the said aggregate rate of two cents in the dollar on the actual value of such ratable property, the Council of such Municipality shall levy such further rates as may be necessary to discharge obligations up to that date incurred, but shall contract no further debts until the annual rates required to be levied within such Municipality are reduced within the aggregate

Provision when such aggregate not sufficient to pay debts payable within the year.

Proviso. aggregate rate aforesaid; but this shall not affect any special provisions to the contrary contained in any special Act now or hereafter in force. R. S. O. c. 174, s. 340. (36 V. c. 48, s. 258.)

How rates to be calculated. **360.** In Counties and local Municipalities the rates shall be calculated at so much in the dollar upon the actual value of all the real and personal property liable to assessment therein. R. S. O. c. 174, s. 341. (32 V. c. 36, s. 10.)

Estimates to be made annually. **361.** The Council of every County or local Municipality shall every year make estimates of all sums which may be required for the lawful purposes of the County or local Municipality, for the year in which such sums are required to be levied, each Municipality making due allowance for the cost of collection, and of the abatement and losses which may occur in the collection of the tax, and for taxes on the lands of non-residents which may not be collected. R. S. O. c. 174, s. 342. (32 V. c. 36, s. 13.)

By laws for raising money by rate. **362.** The Council of every Municipality may pass one by-law, or several by-laws, authorizing the levying and collecting of a rate or rates of so much in the dollar upon the assessed value of the property therein as the Council deems sufficient to raise the sums required on such estimates. R. S. O. c. 174, s. 343. (32 V. c. 36, s. 14.)

If the amount collected falls short. **363.** If the amount collected falls short of the sums required, the Council may direct the deficiency to be made up from any unappropriated fund belonging to the Municipality. R. S. O. c. 174, s. 344. (32 V. c. 36, s. 15.)

Estimates may be reduced. **364.** If there is no unappropriated fund, the deficiency may be equally deducted from the sums estimated as required or from any one or more of them. R. S. O. c. 174, s. 345. (32 V. c. 36, s. 16.)

When sums collected exceed estimate, appropriation of the balance. **365.** If the sums collected exceed the estimates, the balance shall form part of the general fund of the Municipality, and be at the disposal of the Council, unless otherwise specially appropriated; but if any portion of the amount in excess has been collected on account of a special tax upon any particular locality, the amount in excess collected on account of such special tax shall be appropriated to the special local object. R. S. O. c. 174, s. 346. (32 V. c. 36, s. 17.)

Yearly taxes to be computed from 1st January, unless otherwise ordered. **366.** The taxes or rates imposed or levied for any year shall be considered to have been imposed, and to be due on and from the first day of January of the then current year, and end with the thirty-first day of December thereof, unless otherwise expressly provided for by the enactment or by-law under which the same are directed to be levied. R. S. O. c. 174, s. 347. (32 V. c. 36, s. 18.)

367.

367. All debentures issued before the first day of January, in the year of our Lord 1867, by Municipal Corporations, under any by-law, and based upon the yearly value of ratable property at the time of passing such by-law, shall hold the order of priority which they occupied on the said first day of January, 1867; and each Municipal Corporation (having so issued debentures) shall levy a rate on the actual real value of the ratable property within the Municipality represented, sufficient to produce a sum equal to that leviable or produced on the yearly value of such property as established by the assessment roll for the year 1866; and such rates shall be applied solely to the payment of such debentures, or interest on such debentures, according to the terms of the by-law under which they were issued.

Priority of debentures.
How rates for paying them to be calculated.
To be applied solely to such purposes.

(2) In cases where a sinking fund is required to be provided, either by the investment of a specific rate or amount, or on a rate on the increase in value over a certain sum, then such a rate shall be levied as shall at least equal the sum originally intended to be set apart. R. S. O. c. 174, s. 348. (32 V. c. 36, s. 11.)

Rate for sinking funds.

368. Every Municipal Council shall have the power of exempting any manufacturing establishment or any water-works or water company in whole or in part, from taxation for any period not longer than ten years, and to renew this exemption for a further period not exceeding ten years. R. S. O. c. 174, s. 349; 45 V. c. 23, s. 7 (1). (36 V. c. 48, s. 259.) And see *post* s. 482 (10).

Power to exempt factories, etc., from taxation.

369. In case in any year, on account of a sum being on hand from any previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to the assessment, it is found to be unnecessary to levy the full rate imposed by the by-law, in order to raise the instalment of the sinking fund and interest required to be raised for such year, the Council may pass a by-law reducing the rate for that year, so that no more may be collected than the amount required.

When the rate imposed by a by-law may be reduced.

(2) No such by-law shall be passed unless, having regard to the time the debentures have to run, a proper proportion of sinking fund and interest has been levied according to the intention of the original by-law. *New.*

370. No by-law passed under the preceding section shall be valid unless, after it is passed, it is approved by the Lieutenant-Governor in Council; and the facts which authorize the passing of such by-law shall, on its submission for approval, be verified in the manner provided by section 291 of this Act. *New.*

By-law to be approved by Lieutenant-Governor.

DIVISION VIII.—ANTICIPATORY APPROPRIATIONS.

*When and how made. Secs. 371, 372.**On Separation of Municipalities. Sec. 373.*

Anticipatory
appropriations
may be made.

371. In case any Council desires to make an anticipatory appropriation for the next ensuing year in lieu of the special rate for such year, in respect of any debt, the Council may do so, by by-law, in the manner and subject to the provisions and restrictions following:—

What funds
may be so ap-
propriated.

(1) The Council may carry to the credit of the sinking fund account of the debt, as much as may be necessary for the purpose aforesaid;

(a) Of any money at the credit of the special rate account of the debt beyond the interest on such debt for the year following that in which the anticipatory appropriation is made;

(b) And of any money raised for the purpose aforesaid by additional rate or otherwise;

(c) And of any money derived from any temporary investment of the sinking fund;

(d) And of any surplus money derived from any corporation work or any share or interest therein;

(e) And of any unappropriated money in the treasury;

Such moneys respectively not having been otherwise appropriated.

The sources
and applica-
tion to be
stated.

(2) The by-law making the appropriations shall distinguish the several sources of the amount, and the portions thereof to be respectively applied for the interest and for the sinking fund appropriation of the debt for such next ensuing year.

When moneys
retained suffi-
cient, the year-
ly rate may be
suspended for
the ensuing
year.

(3) In case the moneys so retained at the credit of the special rate account, and so appropriated to the sinking fund account from all or any of the sources above mentioned, are sufficient to meet the sinking fund appropriation and interest for the next ensuing year, the Council may then pass a by-law directing that the original rate for such next ensuing year be not levied. R. S. O. c. 174, s. 352. (36 V. c. 48, s. 262.)

By-law must
recite—

The original
debt and
object;

The amount
paid;

The annual
amount for
sinking fund;

The amount
for sinking
fund in hand;

372. The by-law shall not be valid unless it recites—

(a) The original amount of the debt, and, in brief and general terms, the object for which the debt was created;

(b) The amount, if any, already paid of the debt;

(c) The annual amount of the sinking fund appropriation required in respect of such debt;

(d) The total amount, then on hand, of the sinking fund appropriations, in respect to the debt, distinguishing the amount thereof in cash in the treasury from the amount temporarily invested;

(e)

(e) The amount required to meet the interest of the debt for the year next after the making of such anticipatory appropriation; and The amount required for interest;

(f) That the Council has retained at the credit of the special rate account of the debt a sum sufficient to meet the next year's interest (naming the amount of it), and that the Council has carried to the credit of the sinking fund account a sum sufficient to meet the sinking fund appropriation (naming the amount of it) for such year. And that it is reserved, etc.

(2) No such by-law shall be valid unless approved by the Lieutenant-Governor in Council. R. S. O. c. 174, s. 353. (36 V. c. 48, s. 263.) By-law to be approved by Lieut.-Governor.

373. After the dissolution of any Municipal Union, the Senior Municipality may make an anticipatory appropriation for the relief of the Junior Municipality, in respect of any debt secured by the by-law, in the same manner as the Senior Municipality might do on its own behalf. R. S. O. c. 174, s. 354. (36 V. c. 48, s. 264.) Anticipatory appropriation on separation of municipalities.

TITLE III.—RESPECTING FINANCE.

DIV. I.—ACCOUNTS AND INVESTMENTS.

DIV. II.—COMMISSION OF INQUIRY INTO FINANCES.

DIVISION I.—ACCOUNTS AND INVESTMENTS.

Accounts for Special Rate and Sinking Fund. Sec. 374.

Surplus on Special Rate, Application of. Secs. 375, 376.

Surplus on Special Rate, Investment of. Sec. 377.

General Surplus, Application of. Secs. 378-381.

Members of Corporations not to be parties to investments.

—Liability for. Sec. 382.

Yearly Returns to Government. Secs. 383, 384.

374. The Council of every Municipal corporation shall keep in its books two separate accounts, one for the special rate, and one for the sinking fund, or for instalments of principal of every debt, to be both distinguished from all other accounts in the books by some prefix designating the purpose for which the debt was contracted, and shall keep the said accounts, with any others that are necessary, so as to exhibit at all times the state of every debt, and the amount of moneys raised, obtained and appropriated for payment thereof. R. S. O. c. 174, s. 355. (36 V. c. 48, s. 265.) Two special accounts to be kept: (1) of the special rates; (2) of the sinking fund or instalments of principal.

375. If, after paying the interest of a debt and appropriating the necessary sum to the sinking fund of such debt, or in payment of any instalment of principal, for any financial year, When surplus may be applied to next year's interest, and

to sinking
fund.

year, there is a surplus at the credit of the special rate account of such debt, such surplus shall so remain, and may be applied, if necessary, towards the next year's interest; but if such surplus exceeds the amount of the next year's interest, the excess shall be carried to the credit of the sinking fund account, or in payment of principal of such debt. R. S. O. c. 174, s. 356. (36 V. c. 48, s. 266.)

Application of
moneys with
consent of
Lieut.-Governor
in Council.

376. The Lieutenant-Governor in Council may, by order, direct that such part of the produce of the special rate levied, and at the credit of the sinking fund account or of the special rate account as aforesaid, instead of being so invested as hereinafter provided, shall from time to time, as the same accrues, be applied to the payment or redemption, at such value as the said Council can agree for, or of any part of such debt or of any of the debentures representing or constituting such debt, or any part of it, though not then payable, to be selected as provided in such order, and the Municipal Council shall thereupon apply and continue to apply such part of the produce of the special rate at the credit of the sinking fund or special rate accounts, as directed by such order. R. S. O. c. 174, s. 357. (36 V. c. 48, s. 267.)

Investment of
surplus on
special rate.

377. If any part of the produce of the special rate levied in respect of any debt, and at the credit of the sinking fund account, or of the special rate account thereof, cannot be immediately applied towards paying the debt, by reason of no part thereof being yet payable, the Council shall, from time to time, invest the same in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, or otherwise as the Lieutenant-Governor in Council may by general or special order direct; and from time to time, as such securities mature, may invest in other like securities; no sum so invested in mortgages shall exceed two-thirds of the value of the real estate on which it is secured according to the last revised and corrected assessment roll at the time it is invested.

(2) The Council of such Municipality may regulate by by-law the manner in which such investments shall be made. 44 V. c. 24, s. 8.

Investment of
sinking fund.

378. Any Council may direct, by by-law, that any surplus moneys in the hands of the Treasurer, and not specially appropriated to any other purpose, shall be credited to the sinking fund account of any debenture debt of the municipality, and the Council may invest such sinking fund account in any of the securities named in and according to the provisions of the preceding section. 45 V. c. 23, s. 16.

Council may
apply other
funds towards
such debts.

379. Every such Council may appropriate to the payment of any debt the surplus income derived from any public or corporation

corporation work, or from any share or interest therein, after paying the annual expenses thereof, or any unappropriated money in the treasury, or any money raised by additional rate; and any money so appropriated shall be carried to the credit of the sinking fund of the debt, or in payment of any installment accruing due. R. S. O. c. 174, s. 359. (36 V. c. 48, s. 269.)

380. Any Municipal Corporation having surplus moneys derived from "The Ontario Municipalities Fund," or from any other source, may, by by-law, set such surplus apart for educational purposes, and invest the same as well as any other moneys held by such Municipal Corporation for, or by it lawfully appropriated to, educational purposes, in public securities of the Dominion, municipal debentures, or in first mortgages on real estate, held and used for farming purposes, and being the first lien on such real estate, and from time to time, as such securities mature, may invest in other like securities, or in the securities already authorized by law, as may be directed by such by-law or by other by-laws passed for that purpose.

Certain moneys may be set apart for educational purposes. Investment of same.

(2) No sum so invested shall exceed two-thirds of the value of the real estate on which it is secured, according to the last revised and corrected assessment roll, at the time it is so invested. R. S. O. c. 174, s. 360. (36 V. c. 48, s. 270.) See R. S. O. c. 28, s. 7; and c. 204, s. 93.

Proviso as to investment.

381. Any Municipal Corporation having surplus moneys set apart for educational purposes, may, by by-law, invest the same in a loan or loans to any Board or Boards of School Trustees within the limits of the Municipality, for such term or terms, and at such rate or rates of interest as may be agreed upon by and between the parties to such loan or loans respectively, and may be set forth in such by-law; or may by by-law grant any portion of such moneys or other general funds by way of gift to aid poor School Sections within the Municipality. R. S. O. c. 174, s. 361. (36 V. c. 48, s. 271.) See R. S. O. c. 204, s. 94.

Loans to school trustees. Aid to poor school sections.

382. No member of any Municipal Corporation shall take part in or in any way be a party to the investment of any such moneys as are mentioned in this Act, by or on behalf of the corporation of which he is a member, otherwise than is authorized by this Act, or by the seventh section of "*The Act respecting the Clergy Reserves*," or by any other law in that behalf made and provided, and any such person so doing shall be held personally liable for any loss sustained by such Corporation. R. S. O. c. 174, s. 362. (36 V. c. 48, s. 272.)

No member of corporation to be party to investment. R. S. O. c. 28, s. 7. Liability for loss.

383. The Treasurer of any Municipality for which any sum of money has been raised on the credit of the Consolidated Municipal Loan Fund, shall, so long as any part of such sum, or of the interest thereon, remains unpaid by such Municipality, make annual returns to

Municipalities indebted to Municipal Loan Fund to make annual returns to it.

Provincial
Treasurer.

ity, transmit to the Treasurer of Ontario, on or before the fifteenth day of January in every year, a return, certified on the oath of the Treasurer before some Justice of the Peace, containing the amount of taxable property in the Municipality according to the then last assessment roll or rolls; a true account of all the debts and liabilities of the Municipality, for every purpose, for the then last year; and such further information and particulars with regard to the liabilities and resources of the Municipality as the Lieutenant-Governor in Council may from time to time require, under a penalty, in case of neglect or refusal to transmit the return, account, information or particulars, of \$100, to be recovered with costs as a debt due to the Crown. R. S. O. c. 174, s. 363. (36 V. c. 48, s. 273.)

Penalty for
default.

Every council
to make a
yearly report
of the corpora-
tion debts to
the Lieut.-
Governor, etc.

384. Every Council shall, on or before the thirty-first day of January in each year, under a penalty of \$20 in case of default, to be paid to the Treasurer of Ontario, transmit to the Lieutenant-Governor, through the Provincial Secretary, an account in such form as may be prescribed from time to time by the Lieutenant-Governor in Council, of the several debts of the corporation, as they stood on the thirty-first day of December preceding, specifying in regard to every debt of which a balance remained due at that day,

What such
report must
shew.

1. The original amount of the debt;
2. The date when it was contracted;
3. The days fixed for its payment;
4. The interest to be paid therefor;
5. The rate provided for the redemption of the debt and interest;
6. The proceeds of such rate for the year ending on such thirty-first day of December;
7. The portion (if any) of the debt redeemed or paid during such year;
8. The amount of interest (if any) unpaid on such last mentioned day; and
9. The balance still due of the principal of the debt. R. S. O. c. 174, s. 364. (36 V. c. 48, s. 274.)

DIVISION II.—COMMISSION OF INQUIRY INTO FINANCES.

When granted. Sec. 385.

Expenses of. Sec. 386.

When a com-
mission of
inquiry may
issue.

385. In case one-third of the members of any Council, or thirty duly qualified electors of the Municipality, petition for a commission to issue under the Great Seal, to inquire into the financial

financial affairs of the Corporation and things connected therewith, and if sufficient cause is shewn, the Lieutenant-Governor in Council may issue a commission accordingly, and the commissioner or the commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence, as any Court has in civil cases. R. S. O. c. 174, s. 365. (36 V. c. 48, s. 275.)

386. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the commissioner or commissioners by the Corporation, and shall be payable within three months after demand thereof made by the commissioner, or by any one of the commissioners, at the office of the Treasurer of the Corporation. R. S. O. c. 174, s. 366. (36 V. c. 48, s. 276.)

Expenses of such commissions.

TITLE IV.—ARBITRATIONS.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

DIVISION II.—PROCEDURE.

DIVISION I.—APPOINTMENT OF ARBITRATORS.

How appointed. Secs. 387-391, 396.

Failure of parties to appoint. Secs. 391, 392,

Respecting real property taken by Corporations. Secs. 393, 394.

Several interests in the same property. Secs. 395, 396.

Award, when to be made. Sec. 397.

Persons disqualified from acting as Arbitrators. Sec. 398.

387. The appointment of all arbitrators shall be in writing under the hands of the appointers, or in case of a Corporation, under the corporate seal, and authenticated in like manner as a by-law. R. S. O. c. 174, s. 367. (36 V. c. 48, s. 277.)

Appointments how made.

388. The arbitrators on behalf of a Municipal Corporation shall be appointed by the Council thereof, or by the head thereof, if authorized by a by-law of the Council. R. S. O. c. 174, s. 368. (36 V. c. 48, s. 278.)

Council, or head thereof, may appoint for corporation.

389. In cases where arbitration is directed by this Act, either party may appoint an arbitrator, and give notice thereof in writing to the other party, calling upon such party to appoint an arbitrator on behalf of the party to whom such notice is given. A notice to a Corporation shall be given to the head of the Corporation. R. S. O. c. 174, s. 369. (36 V. c. 48, s. 279.)

Either party may appoint an arbitrator and give notice to opposite party.

Third arbitrator to be appointed.

390. The two arbitrators appointed by or for the parties shall within seven days from the appointment of the lastly named of the two arbitrators appoint in writing a third arbitrator. R. S. O. c. 174, s. 370. (36 V. c. 48, s. 280.)

When more than two municipalities interested,

391. In cases where more than two Municipalities are interested, each of them shall appoint an arbitrator, and in such case, if there is an equality of arbitrators, the arbitrators so appointed shall appoint another arbitrator, or in default at the expiration of 21 days after such arbitrators have been appointed, the Lieutenant-Governor in Council may, on the application of any one of the Municipalities interested appoint such arbitrator. R. S. O. c. 174, s. 371. (36 V. c. 48, s. 281.)

Provision in case of neglect to appoint,

392. In case of an arbitration between Municipal Corporations, if for 21 days, or in case the arbitration is respecting drainage works, then, if for 20 days after having received such notice, the party notified omits to appoint an arbitrator; or if for 7 days after the second arbitrator has been appointed, the two arbitrators omit to appoint a third arbitrator, then, in case the arbitration is between Townships or between a Township and a Town or an incorporated Village, the Judge of the County Court of the County within which the Townships, Town or incorporated Village are or any of them is situate, or in case the arbitration is between other Municipalities, the Lieutenant-Governor in Council may appoint an arbitrator for the party or arbitrators in default, or a third arbitrator, as the case may require. R. S. O. c. 174, s. 372. (36 V. c. 48, s. 282.)

Arbitration as to real property taken or injured by municipal corporations.

393. In case of an arbitration between a Municipal Corporation and the owners or occupiers of, or other persons interested in real property entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected thereby, if, after the passing of the by-law, any person interested in the property appoints and gives due notice to the head of the Council of his appointment of an arbitrator to determine the compensation to which such person is entitled, the head of the Council shall, if authorized by by-law, within 7 days appoint a second arbitrator, and give notice thereof to the other party, and shall express clearly in the notice what powers the Council intends to exercise with respect to the property, describing it. R. S. O. c. 174, s. 373. (36 V. c. 48, s. 283; 40 V. c. 7, Sched. A, (176).)

Provision if owner of property fails to name arbitrator.

394. In any such last mentioned arbitration, if after service on the owner or occupier of, or person so interested in, the property of a copy of any by-law, certified to be a true copy under the hand of the Clerk of the Council, the owner or occupier or person so interested omits for 21 days to name an arbitrator, and give notice thereof, as aforesaid, the Council or the

the head, if authorized by by-law, may name an arbitrator on behalf of the Council, and give notice thereof to such owner, occupier or person so interested, and the latter shall, within 7 days thereafter, name an arbitrator on his behalf. R. S. O. c. 173, s. 374. (36 V. c. 48, s. 284; 40 V. c. 7, *Sched. A*, (177).)

395. In case there are several persons having distinct interests in property in respect of which the Corporation is desirous of exercising the powers referred to in section 393 under a by-law in that behalf passed, whether such persons are all interested in the same piece of property, or some or one in a part thereof, and some or one in another part thereof, and in case the by-law or any subsequent by-law provides that the claims of all should, in the opinion of the Council, be disposed of by one award, such persons shall have 21 (instead of 7) days to agree upon and give notice of an arbitrator jointly appointed in their behalf before the County Court Judge shall have power to name an arbitrator for them. R. S. O. c. 174, s. 375. (36 V. c. 48, s. 285.)

Where several parties have distinct interests in the same property.

396. If any such owner, occupier or person so interested, or the head of any such Council, whether from want of authority in that behalf, or otherwise, omits to name an arbitrator within 7 days after receiving notice to do so, or if the persons having distinct interests as aforesaid omit to name an arbitrator within 21 days after receiving notice to do so, or if the two arbitrators do not within 7 days from the appointment of the lastly named of the two arbitrators agree on a third arbitrator, or if any of said arbitrators refuse or neglect to act, the Judge of the County Court of the County in which the property is situated, on the application of either party, shall nominate as an arbitrator a fit person resident without the limits of the Municipality in which the property in question is situated, to act for the party failing to appoint, or as such third arbitrator, or in the stead of the arbitrator refusing or neglecting to act, and such arbitrators shall forthwith proceed to hear and determine the matters referred to them. R. S. O. c. 174, s. 376. (36 V. c. 48, s. 286; 40 V. c. 7, *Sched. A*, (178).)

County Court judge to appoint arbitrator in certain cases.

397. In any of the cases herein provided for, the arbitrators shall make their award within one month after the appointment of the third arbitrator. R. S. O. c. 174, s. 377. (36 V. c. 48, s. 287.)

Time for making award.

398. No member, officer or person in the employment of any Corporation which is concerned or interested in any arbitration nor any person so interested, shall be appointed or act as an arbitrator in any case of arbitration under this Act. R. S. O. c. 174, s. 378. (36 V. c. 48, s. 288.)

Persons disqualified from acting as arbitrators.

DIVISION II.—PROCEDURE.

Oath of Arbitrator. Sec. 399.

Time of Meeting. Sec. 400.

Form of Award. Secs. 400, 405.

Registration of Award. Sec. 400.

Costs. Sec. 401.

Majority to decide. Sec. 402.

Evidence. Sec. 403.

Award, when adoption by By-law required. Sec. 404.

Award, how made, and jurisdiction of Courts. Sec. 405.

Arbitrators to
be sworn.

399. Every arbitrator, before proceeding to try the matter of the arbitration, shall take and subscribe the following oath (or in case of those who by law affirm, make and subscribe the following affirmation) before any Justice of the Peace:

Form of oath
or affirmation.

"I (A. B.) do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises, according to the evidence and my skill and knowledge. So help me God."

R. S. O. c. 174, s. 379. (36 V. c. 48, s. 289.)

Time of meet-
ing, etc.

400. The arbitrators shall, within 20 days after the appointment of the third arbitrator, meet at such place as they may agree upon, to hear and determine the matter in dispute, with power to adjourn from time to time, and shall make their award in writing, and, if the arbitration is respecting drainage works, in triplicate, which shall be binding on all parties, and one copy thereof shall be filed with the Clerk of each of the Municipalities interested, and one shall, in case the arbitration is respecting drainage works as aforesaid, be filed with the Registrar of deeds for the County or other Registration Division in which the lands affected are situate. R. S. O. c. 174, s. 380. (36 V. c. 48, s. 290.)

Costs.

401. The arbitrators shall have power to award the payment by any of the parties to the other of the costs of the arbitration, or of any portion thereof, and may either direct the payment of a fixed sum, or that such costs should be taxed on either the scale of the High Court of Justice, or of the County Courts, in which case such costs shall be taxed by the officer in the County of the proper Court, without any further order, and the amount shall be payable one week after such taxation. Revision by the principal officer at Toronto may be had upon one week's notice and an appeal to a Judge in the usual manner. R. S. O. c. 174, s. 381. (36 V. c. 48, s. 291.)

Majority to
decide.

402. In case of a difference between the arbitrators, the decision of the majority of them shall be conclusive. R. S. O. c. 174, s. 382. (36 V. c. 48, s. 292.)

403.

403. In the case of any award under this Act, which does not require adoption by the Council, or in case of any award to which a Municipal Corporation is a party, and which is to be made in pursuance of a submission containing an agreement that this section of this Act should apply thereto, the arbitrator or arbitrators shall take, and immediately after the making of the award, shall file with the Clerk of the Council, for the inspection of all parties interested, full notes of the oral evidence given on the reference, and also all documentary evidence or a copy thereof; and in case they proceed partly on a view or any knowledge or skill possessed by themselves or any of them, they shall also put in writing a statement thereof sufficiently full to allow the Court to form a judgment of the weight which should be attached thereto. R. S. O. c. 174, s. 383. (36 V. c. 48, s. 293.)

Notes of the evidence adduced to be taken and filed in certain cases.

Arbitrators acting on their own knowledge, etc., to put statement thereof in writing.

404. In case the award relates to property to be entered upon, taken or used as mentioned in section 393, and in case the by-law did not authorize or profess to authorize any entry or use to be made of the property before an award has been made, except for the purpose of survey, or in case the by-law did give or profess to give such authority, but the arbitrators find that such authority had not been acted upon, the award shall not be binding on the Corporation unless it is adopted by by-law within six weeks after the making of the award; and if the same is not so adopted, the original by-law shall be deemed to be repealed, and the property shall stand as if no such by-law had been made, and the Corporation shall pay the costs of the arbitration. R. S. O. c. 174, s. 384. (36 V. c. 48, s. 294.)

Award to be binding in certain cases, must be adopted by by-law within a certain time.

405. Every award made under this Act shall be in writing under the hands of all or two of the arbitrators, and shall be subject to the jurisdiction of the High Court of Justice, as if made on a submission by a bond containing an agreement for making the submission a rule or order of such Court; and in the cases provided for by section 403, the Court shall consider not only the legality of the award but the merits as they appear from the proceedings so filed as aforesaid, and may call for additional evidence to be taken in any manner the Court directs, and may, either without taking such evidence or after taking such evidence, set aside the award or remit the matters referred, or any of them, from time to time, to the consideration and determination of the same arbitrators, or to any other person or persons whom the Court may appoint, as prescribed in "*The Common Law Procedure Act*," and fix the time within which such further or new award shall be made, or the Court may itself increase or diminish the amount awarded otherwise modify the award, as the justice of the case may seem to the Court to require. R. S. O. c. 174, s. 385. (36 V. c. 48, s. 295.)

Award to be made by at least two arbitrators, and subject to High Court. Powers of the Courts in such matters.

R. S. O. c. 50,

TITLE V.—DEBENTURES AND OTHER INSTRUMENTS.

To be under seal and bear signature of head. Sec. 406.

Negotiating—Interest. 29-30 V. c. 51, s. 217.

Railway and Bonus Debentures. Sec. 407.

Defects in form. Secs. 407-409.

Local Improvement Debentures. Sec. 403.

Transfer of Registered Debentures. Secs. 411-413.

Councils borrowing for current Expenses. Sec. 414.

No issue under \$100. Sec. 415.

Restrictions as to Banking. 29-30 V. c. 51, ss. 218, 219.

Debentures,
bonds, etc.,
how to be
executed.

406. All debentures and other instruments duly authorized to be executed on behalf of a Municipal Corporation shall, unless otherwise specially authorized or provided, be sealed with the seal of the Corporation, and be signed by the head thereof, or by some other person authorized by by-law to sign the same, otherwise the same shall not be valid, and it shall be the duty of the Treasurer of the Municipality to see that the money collected under such by-law is properly applied to the payment of the interest and principal of such debentures. R. S. O. c. 174, s. 386. (36 V. c. 48, s. 296.)

[Section 217 of 29-30 V. c. 51, is as follows:—

Full amount
recoverable,
though negoti-
ated at interest
exceeding six
per cent., or
below par.

217. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by such Corporation at a rate less than par, or at a rate of interest greater than six per centum per annum, or although a rate of interest greater than six per centum per annum is reserved thereby or made payable thereon.]

In certain
cases, debentures valid
without corporate
seal, etc.

407. Any debenture issued in aid of any railway, or for any bonus, signed or endorsed and countersigned as directed by the by-law, shall be valid and binding on the Corporation without the corporate seal thereto, or the observance of any other form with regard to the debenture than such as may be directed in the by-law. R. S. O. c. 174, s. 387. (36 V. c. 48, s. 297.)

Debentures
valid notwithstanding
defect in form.

408. Any debentures issued under the authority of any by-law which has been promulgated under chapter 48, of the Acts passed in the thirty-sixth year of Her Majesty's reign, or under chapter 174 of the Revised Statutes, or under this Act, shall be valid and binding upon the corporation, notwithstanding any insufficiency in form or otherwise of such by-law, or in the authority of the Corporation in respect thereof: Provided that the said by-law has received the assent of the electors where necessary, and no successful application has been made to quash the same within the time limited in the notice of promulgation. R. S. O. c. 174, s. 388, *part*; 44 V. c. 24, s. 34. (36 V. c. 48, s. 298; 39 V. c. 7, s. 2 (*Sched.*))

Proviso.

409.

409. Where any debentures have heretofore been issued by any municipality under any by-law passed by such municipality, and the interest on such debentures and the principal of such thereof (if any) as shall heretofore have fallen due, has been heretofore paid for the period of two years of more, by the municipality, such by-law and the debentures issued thereunder, or such thereof as may yet be unpaid, shall be valid and binding upon the Corporation, and shall not be quashed or set aside on any ground whatever: *Provided*, that this section shall not affect any by-law, debenture, or debt which is the subject of any action or proceeding now pending and brought to quash or set aside such by-law or debenture, or any by-law or debenture, the validity of which is questioned in any suit or proceeding now pending, to which the Corporation issuing the same is a party. 44 V. c. 24, s. 27. See sec. 354.

Debentures heretofore issued, on which payment has been made for two years, to be good and valid.

Proviso.

410. Every debenture issued under section 612 of this Act, or under the provisions of any other Act relating to the issue of debentures for local improvement purposes, shall bear on its face the words "Local Improvement Debenture," and shall contain a reference by date and number to the by-law under which it is issued:

Form of local improvement debentures.

Provided always, that (in order to obviate a difficulty which has been found to prevail in negotiating such local improvement debentures, in consequence of many of the same having to be issued for small and broken amounts), councils may, from time to time, after the passage of the several by-laws covering the several amounts required for particular local improvements as therein specified, and without in any way affecting the liens on the lands therein named and to be improved thereby, further pass a collective or cumulative by-law consolidating such several amounts, and issue the required debentures in a general consecutive issue under such consolidated by-law, apportioning, nevertheless, the amount raised thereby, and crediting each service with the amount previously estimated and named for the same under the individual by-law passed in the first instance;

Consolidation.

And for the purpose of more readily carrying this proviso into effect, councils desiring to avail themselves of the same, shall insert a clause in such individual by-laws, intimating that the amount of debentures to be issued thereunder is subject to consolidation, and in such case it shall be sufficient to state in said individual by-laws that the said amount of debentures to be issued thereunder shall be issued at so many years from the date of issue of the same, without defining a specific date; and provided further that no consolidated debentures shall be issued, covering any debentures which may have been issued or sold under any original by-law. 45 V. c. 23, s. 3.

411. Any debentures to be issued by any Municipal Council may contain a provision in the following words:

Mode of transfer may be prescribed.

"This

" This debenture, or any interest therein, shall not, after a certificate of ownership has been endorsed thereon by the Treasurer of this Municipal Corporation, be transferable, except by entry by the Treasurer or his deputy in the Debenture Registry Book of the said Corporation at the Town (or Village) of _____," or to the like effect.

R. S. O. c. 174, s. 390. (36 V. c. 48, s. 300.)

Debenture
registry book.

412. The Treasurer of every Municipality issuing any debentures containing the provision in the last section mentioned, shall open and keep a Debenture Registry Book, in which he shall enter a copy of all certificates of ownership of debentures, which he may give, and also every subsequent transfer of any such debenture; such entry shall not be made except upon the written authority of the person last entered in such book as the owner of such debenture, or of his executors or administrators, or of his or their lawful attorney, which authority shall be retained by the said Treasurer and duly filed. R. S. O. c. 174, s. 391. (36 V. c. 48, s. 301.)

Registered
debentures
transferred by
entry, etc.

413. After such certificate of ownership has been endorsed as aforesaid, such debenture shall only be transferable by entry, by the Treasurer of the Municipality or his deputy, in such Debenture Registry Book, from time to time, as transfers of such debenture are authorized by the then owner thereof, or his lawful attorney. R. S. O. c. 174, s. 392. (36 V. c. 48, s. 302.)

Council may
authorize the
borrowing of
sums to pay
current
expenses.

414. The Council of every Municipality may authorize its head, with the Treasurer thereof, under the seal of the Corporation, to borrow from any person or bank such sums as may be required to meet the then current expenditure of the Corporation, until such time as the taxes levied therefor can be collected, and the Council shall by by-law regulate the amounts to be so borrowed, and the promissory note or notes, covenant, or agreement to be given in security therefor. R. S. O. c. 174, s. 393; 42 V. c. 31, s. 14. (36 V. c. 48, s. 303.)

Without
special author-
ity, no bond,
etc., to be given
for less than
\$100.

Proviso.

415. No Council shall, unless specially authorized so to do, make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than \$100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section, shall be void: but nothing herein contained shall be construed to affect or repeal so much of the provisions of sections 218 and 219 of the Act of the Parliament of the late Province of Canada passed in the session held in the twenty-ninth and thirtieth years of the reign of Her present Majesty, and chaptered fifty-one, as is intended to prohibit Municipal Councils acting as bankers, or issuing notes to circulate as those of a bank. R. S. O. c. 174, s. 394. (36 V. c. 48, s. 304.)

[Sections 218 and 219 of 29-30 V. c. 51, are as follows:—

Restrictions
upon councils
as to banking,
issuing bills,
bonds, etc.

218. No Council shall act as bankers, or issue any bond, bill, note, debenture or other undertaking, of any kind or in any form, in the nature of a bank bill or note, or intended to form a circulating medium, or to supply

supply the place of specie, or to pass as money: nor, unless specially authorized so to do, shall any Council make or give any bond, bill, note, debenture or other undertaking, for the payment of a less amount than \$100; and any bond, bill, note, debenture or other undertaking issued in contravention of this section shall be void.

219. In case any person issues or makes, or assists in issuing or making, or knowingly utters or tenders in payment or exchange, any bond, bill, note, debenture or undertaking, of any kind or in any form, in the nature of a bank bill or note, intended to form a circulating medium, or to supply the place of specie, or to pass as money, contrary to this Act, such person shall be guilty of a misdemeanor. To issue bank notes, etc., contrary to this Act, declared a misdemeanor.

TITLE VI.—RESPECTING THE ADMINISTRATION OF JUSTICE AND JUDICIAL PROCEEDINGS.

- DIV. I.—JUSTICES OF THE PEACE.
- DIV. II.—PENALTIES.
- DIV. III.—WITNESSES AND JURORS.
- DIV. IV.—CONVICTIONS UNDER BY-LAWS.
- DIV. V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.
- DIV. VI.—TENDER OF AMENDS.
- DIV. VII.—CONTRACTS VOID IN EQUITY.
- DIV. VIII.—POLICE OFFICE AND POLICE MAGISTRATE.
- DIV. IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.
- DIV. X.—COURT HOUSES, GAOLS AND PLACES OF IMPRISONMENT.
- DIV. XI.—INVESTIGATIONS AS TO MALFEASANCE OF CORPORATE OFFICERS.
- DIV. XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

DIVISION I.—JUSTICES OF THE PEACE.

- Justices of the Peace, Who are ex officio.* Sec. 416.
- Jurisdiction of Mayors of Cities and Towns.* Sec. 417.
- Qualification and Oath of ex officio Justices.* Sec. 418.
- Jurisdiction of Justices in cases under By-laws.* Secs. 419, 420.

416. The head of every Council, and the Reeve of every Town, Township, and incorporated Village, shall, *ex officio*, be Justices of the Peace for the whole County, or Union of Counties, in which their respective Municipalities lie, and Aldermen in Cities shall be Justices of the Peace for such Cities. R. S. O. c. 174, s. 395. (36 V. c. 48, s. 306.) Certain persons to be *ex officio* justices of the peace.

417. The Mayor of a Town or City where there is no Police Magistrate, shall have jurisdiction, in addition to his other powers, to try and determine all prosecutions for offences against Jurisdiction of mayors over certain offences.

the by-laws of the Town or City, and for penalties for refusing to accept office therein, or to make the necessary declarations of qualification and office. R. S. O. c. 174, s. 396. (36 V. c. 48, s. 309.)

Qualification
of certain
officials.

418. No Warden, Mayor, Reeve, or Alderman, after taking the oaths or making the declarations as such, shall be required to have any property qualification, or to take any further oath to enable him to act as a Justice of the Peace. R. S. O. c. 174, s. 397. (36 V. c. 48, s. 314.)

Jurisdiction of
justices under
by-laws.

419. Every Justice of the Peace for a County shall have jurisdiction in all cases arising under any by-law of any Municipality in such County, where there is no Police Magistrate. R. S. O. c. 174, s. 398. (36 V. c. 48, s. 310.)

Jurisdiction in
cases not
specially pro-
vided for.

420. In case any offence is committed against a by-law of a Council, for the prosecution of which offence no other provision is made, any Justice of the Peace having jurisdiction in the locality where the offender resides, or where the offence was committed, whether the Justice is a member of the Council or not, may try and determine any prosecution for the offence. R. S. O. c. 174, s. 399. (36 V. c. 48, s. 311.)

DIVISION II.—PENALTIES.

Recovery and enforcement thereof. Secs. 421-423.
On offences against By-Laws. Sec. 422.
Application of penalties. Sec. 424.

Recovery and
enforcement
of penalties.

Imprisonment
in default of
payment.

421. Every fine and penalty imposed by or under the authority of this Act may, unless where other provision is specially made therefor, be recovered and enforced with costs, by summary conviction, before any Justice of the Peace for the County, or of the Municipality in which the offence was committed; and in default of payment the offender may be committed to the Common Gaol, House of Correction, or Lock-up House of such County or Municipality, there to be imprisoned for any time, in the discretion of the convicting Justice, not exceeding (unless where other provision is specially made) 30 days and with or without hard labour, unless such fine and penalty, and costs, including the costs of the committal, are sooner paid. R. S. O. c. 174, s. 400; 42 V. c. 31, s. 15. (36 V. c. 48, s. 315.)

Penalties
imposed by
by-laws.

Award of
penalty and
costs.

422. The Justice or other authority before whom a prosecution is had for an offence against a municipal by-law, may convict the offender on the oath or affirmation of any credible witness, and shall award the whole or such part of the penalty or punishment imposed by the by-law as he thinks fit, with
the

the costs of prosecution, and may by warrant, under the hand and seal of the Justice or other authority, or in case two or more Justices act together therein, then under the hand and seal of one of them, cause any such pecuniary penalty and costs, or costs only, if not forthwith paid, to be levied by distress and sale of the goods and chattels of the offender. R. S. O. c. 174, s. 401. (36 V. c. 48, s. 317.)

How levied.

423. In case of there being no distress found out of which the penalty can be levied, the Justice may commit the offender to the Common Gaol, House of Correction, or nearest Lock-up House, for the term, or some part thereof, specified in the by-law. R. S. O. c. 174, s. 402. (36 V. c. 48, s. 318.)

Commitment in default of distress.

424. Unless otherwise provided, when the pecuniary penalty has been levied under this Act, one moiety thereof shall go to the informer or prosecutor, and the other moiety to the Municipal Corporation, unless the prosecution is brought in the name of the Corporation, in which case the whole of the pecuniary penalty shall be paid to the Corporation. R. S. O. c. 174, s. 403. (36 V. c. 48, s. 319.)

Fines, how applied.

[See as to summary method of enforcing by-laws, Sec. 485.]

DIVISION III.—WITNESSES AND JURORS.

Who may be witnesses. Secs. 425, 426.

Ratepayers, members, officers, etc., of Corporations liable to challenge as jurors. Sec. 426.

Compelling attendance of witnesses. Sec. 427.

425 Upon the hearing of any information or complaint exhibited or made under this Act, the person giving or making the information or complaint shall be a competent witness, notwithstanding such person may be entitled to part of the pecuniary penalty on the conviction of the offender, and the defendant, and the wife or husband of such persons opposing or defending, shall also be competent witnesses; and all the said persons shall be compellable to give evidence on such hearing. R. S. O. c. 174, s. 404. (36 V. c. 10, s. 4; 36 V. c. 48, s. 320.)

Who may be witnesses.

426. In any prosecution, suit, action, or proceeding in any civil matter to which a Municipal Corporation is a party, no ratepayer, member, officer or servant of the Corporation, shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the Corporation, the party to such prosecution, suit, action or proceeding, is a County. R. S. O. c. 174, s. 405. (36 V. c. 48, s. 321.)

Ratepayers, members, officers, etc., of Corporation, shall, on account of his being such, be incompetent as a witness; but they, and every of them, shall be liable to challenge as a juror, except where the Corporation, the party to such prosecution, suit, action or proceeding, is a County.

Compelling
witnesses to
attend, etc.

427. In prosecuting under any by-law, or for the breach of any by-law, witnesses may be compelled to attend and give evidence in the same manner, and by the same process, as witnesses are compelled to attend and give evidence on summary proceedings before Justices of the Peace in cases tried summarily, under the statutes now in force, or which may be hereafter enacted. R. S. O. c. 174, s. 406. (36 V. c. 48, s. 322.)

DIVISION IV.—CONVICTIONS UNDER BY-LAWS.

Form of Conviction. Sec. 428.

Form of con-
viction under
by-laws.

428. It shall not be necessary in any conviction made under any by-law of any Municipal Corporation, to set out the information, appearance or non-appearance of the defendant, or the evidence or by-law under which the conviction is made, but all such convictions may be in the form following:

PROVINCE OF ONTARIO, } BE IT REMEMBERED
County of , } that on the day of A.D.
To Wit. , } at , in the County of
A. B. is convicted before the undersigned, one of Her
Majesty's Justices of the Peace in and for the said County, for that the
said A.B. (stating the offence, and time and place, and when and where com-
mitted), contrary to a certain by-law of the Municipality of the
of , in the said County of , passed on the
day of A.D. , and intituled (reciting the title of by-
law); and I adjudge the said A. B., for his said offence, to forfeit and
pay the sum of , to be paid and applied according to law, and
also to pay to C.D., the complainant, the sum of for his costs
in this behalf. And if the said several sums are not paid forthwith (or on
or before the day of as the case may be), I order
that the same be levied by distress and sale of the goods and chattels of
the said A. B.; and in default of sufficient distress, I adjudge the said
A. B. to be imprisoned in the Common Gaol of the said County of
(or, in the public Lock-up at) for the space of
days, unless the said several sums, and all costs and charges of conveying
the said A. B. to such Gaol (or Lock-up), are sooner paid.

Given under my hand and seal, the day and year first above written
at , in the said County.

(L.S.)

J. M.,
J. P.

R. S. O. c. 174, s. 407. (36 V. c. 48, s. 323.)

DIVISION V.—EXECUTION AGAINST MUNICIPAL CORPORATIONS.

Proceedings thereon. Sec. 429.

Municipal Officers, also Officers of Court. Sec. 430.

Proceedings
on writs of exe-
cution against
municipalities

429. Any writ of execution against a Municipal Corpora-
tion may be endorsed with a direction to the Sheriff to levy
the amount thereof by rate, and the proceedings thereon shall
then be the following: (1)

(1) The Sheriff shall deliver a copy of the writ and endorsement to the Treasurer, or leave such copy at the office or dwelling-house of that officer, with a statement in writing of the Sheriff's fees, and of the amount required to satisfy such execution, including in such amount the interest calculated to some day as near as is convenient to the day of the service ;

Sheriff to deliver copy of writ and statement of claim to treasurer.

(2) In case the amount, with interest thereon from the day mentioned in the statement, is not paid to the Sheriff within one month after the service, the Sheriff shall examine the assessment rolls of the Corporation, and shall, in like manner as rates are struck for general municipal purposes, strike a rate sufficient in the dollar to cover the amount due on the execution, with such addition to the same as the Sheriff deems sufficient to cover the interest, his own fees, and the Collector's percentage, up to the time when such rate will probably be available ;

If claim not paid, rate to be struck by Sheriff.

(3) The Sheriff shall thereupon issue a precept or precepts, under his hand and seal of office, directed to the Collector or respective Collectors of the Corporation, and shall annex to every precept the roll of such rate, and shall by such precept, after reciting the writ, and that the Corporation had neglected to satisfy the same, and referring to the roll annexed to the precept, command the Collector or Collectors, within their respective jurisdictions, to levy such rate at the time and in the manner by law required in respect of the general annual rates ;

Sheriff's precept to collector, or, etc., to levy rate.

(4) In case at the time for levying the annual rates next after the receipt of such precept, the Collectors have a general rate roll delivered to them for such year, they shall add a column thereto, headed "*Execution rate in A. B. vs. The Township*" (or as the case may be, adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the general annual rate, return to the Sheriff the precept with the amount levied thereon, after deducting their percentage ;

Rate rolls.

(5) The Sheriff shall, after satisfying the execution and all fees thereon, pay any surplus, within ten days after receiving the same, to the Treasurer, for the general purposes of the Corporation. R. S. O. c. 174, s. 408. (36 V. c. 48, s. 324.)

Surplus.

430. The Clerk, Assessors and Collectors of the Corporation shall, for all purposes connected with carrying into effect, or permitting or assisting the Sheriff to carry into effect, the provisions of this Act, with respect to such executions, be deemed to be officers of the Court out of which the writ issued, and as such shall be amenable to the Court, and may be proceeded against by attachment, mandamus or otherwise, in order to compel them to perform the duties hereby imposed upon them. R. S. O. c. 174, s. 409. (36 V. c. 48, s. 325.)

Clerk, assessors and collectors to be officers of the court from which writ issues.

DIVISION VI.—TENDER OF AMENDS.

Tender and payment into Court in actions for negligence.
Sec. 431.

Tender of compensation in actions for negligence.

431. The Council of any Municipality, upon any claim being made or action brought against any such Municipality for damages for alleged negligence on the part of such Municipality, may tender, or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained, and in the event of the non-acceptance by the claimant of such tender or the amount paid into court, and the action being proceeded with, and a verdict being obtained for a less amount than the amount so tendered or paid into court, the costs of suit shall be awarded to the defendants, and set off against any verdict which shall have been obtained against them. 44 V. c. 24, s. 25. (*See sec. 341.*)

DIVISION VII.—CONTRACTS VOID IN EQUITY.

Contracts with Members of Council. Sec. 432.

Contracts by members with the corporation to be held void in any action.

432. In case a member of the Council of any Municipality, either in his own name or in the name of another, and either alone or jointly with another, enters into a contract of any kind, or makes a purchase or sale in which the Corporation is a party interested, and which is on that account void or voidable in Equity, the same contract, purchase or sale shall be held void in any action thereon against the Corporation. R. S. O. c. 174, s. 410. (36 V. c. 48, s. 327.)

DIVISION VIII.—POLICE OFFICE AND POLICE MAGISTRATE.

(*See also R. S. O. c. 72 ; 41 V. c. 4.*)

In Cities and Towns. Sec. 433.
Clerk of. Sec. 434.

Police Offices in cities and towns.

433. The Council of every Town and City shall establish therein a Police Office; and the Police Magistrate, or in his absence, or where there is no Police Magistrate, the Mayor of the Town or City shall attend at such Police Office daily or at such times and for such period as may be necessary for the disposal of the business brought before him as a Justice of the Peace; but any Justice of the Peace having jurisdiction in a Town or City may, at the request of the Mayor thereof, act in his stead at the Police Office.

(2)

(2) Except in cases of urgent necessity, no attendance is required on Sunday, Christmas Day or Good Friday, or any day appointed by proclamation for a Public Fast, Thanksgiving, or Holiday, or on any day set apart by the Council as a Civic Holiday. R. S. O. c. 174, s. 411. (36 V. c. 48, s. 328.)

Days on which attendance not required.

(3) Every Police Magistrate shall be entitled to receive the same fees and emoluments as are paid to justices of the peace; and in case a Police Magistrate is paid by a fixed salary, the said fees and emoluments, whether received by him as Police Magistrate or as a Justice of the Peace, shall be paid to the municipality and form part of its funds; but this section shall not authorize the imposition of such fees by a Police Magistrate, who is paid by fixed salary, upon any Inspector of Licenses or upon any Provincial officer appointed under the Liquor License Act in or in respect of any case or complaint prosecuted by him or them under the said License Act or under the Canada Temperance Act of 1878, or upon any person or persons who, by the written authority of the Attorney-General of this Province, prosecutes any complaint under either of the said Acts.

Fees of police magistrate.

(4) No Municipal Council shall have power to reduce the salary of any police magistrate without the sanction of the Lieutenant-Governor in Council.

Reduction of salary of police magistrate.

(5) No Police Magistrate need act in any case arising outside of the limits of the city, town or place for which he is Police Magistrate, unless he sees fit so to do. 43 V. c. 24, s. 9.

When police magistrate need not act.

434. The Clerk of the Council of every City or Town, or such other person as the Council of the City or Town appoints for that purpose, shall be the Clerk of the Police Office thereof, and perform the same duties and receive the same emoluments as Clerks of Justices of the Peace; and in case the said Clerk is paid by a fixed salary, the said emoluments shall be paid by him to the Municipality, and form part of its funds, and such Clerk shall be the officer of and under the Police Magistrate. R. S. O. c. 174, s. 412. (36 V. c. 48, s. 329.)

Clerk of police office, and his duties.

If paid by salary, fees to be paid over to municipality.

DIVISION IX.—BOARD OF COMMISSIONERS OF POLICE AND POLICE FORCE IN CITIES AND TOWNS.

Board, members of. Sec. 435.

Powers of Commissioners as to witnesses. Sec. 436.

Quorum. Sec. 436.

Meetings of Board in cities to be public. Sec. 436.

Licensing, etc., livery stables, cabs, etc. Sec. 437.

By-laws of, how authenticated and proved. Sec. 438.

Penalties, how recoverable. Sec. 439.

High Bailiffs. Sec. 440.

Police Force, appointment of. Secs. 441, 442.

Police Regulations. Sec. 443.

Duties

Duties of Constables. Sec. 444.

Remuneration and Expenses of Police Force. Sec. 445.

Constables in Towns where no Police Commissioners. Sec. 446.

Constables in Incorporated Villages. Sec. 446.

Dissolution of certain Boards in Towns. Sec. 447.

Arrests without warrant. Sec. 448.

Suspension from office. Secs. 449, 450.

Board of commissioners of police in cities and towns, of whom composed.

435. In every City there is hereby constituted a Board of Commissioners of Police, and in every Town having a Police Magistrate the Council may constitute a like Board, and such Board shall consist of the Mayor, the Judge of the County Court of the County in which the City or Town is situate, and the Police Magistrate; and in case the office of County Judge or that of Police Magistrate is vacant, the Council of the City shall and the Council of the Town may appoint a person resident therein to be a member of the Board, or two persons so resident to be members thereof, as the case may require, during such vacancy; but the Council of any such Town may at any time, by by-law, dissolve and put an end to the Board, and thereafter the Council shall have and exercise all powers and duties previously had or exercised by the Board. R. S. O. c. 174, s. 413. (37 V. c. 16, s. 10.)

Powers as to witnesses.

Majority to constitute a quorum.

Meetings in cities to be open to public.

Licensing, etc., livery stables, cabs, etc., in cities.

Shall make by-laws.

Where no board, council may exercise powers under this section.

How by-laws of board authenticated and proved.

436. Such Commissioners shall have power to summon and examine witnesses on oath in all matters connected with the administration of their duties; and a majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board. R. S. O. c. 174, s. 414. (36 V. c. 48, s. 334; 37 V. c. 16, s. 10.)

(2) All meetings of the Board of Police Commissioners in Cities shall be open to the press and the public, unless otherwise decided by the Board. 45 V. c. 23, s. 8.

437. The Board of Commissioners of Police shall in Cities regulate and license the owners of livery stables and of horses, cabs, carriages, omnibuses, and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner and to the extent in which any by-law to be passed under the authority of this Act may be enforced. R. S. O. c. 174, s. 415. (36 V. c. 48, s. 335.)

(2) The Council of any City in which there is no Board of Commissioners of Police shall have and may exercise by by-law, all the powers conferred upon the Board of Commissioners by this section. 45 V. c. 23, s. 9.

438. All by-laws of such Board of Commissioners of Police shall be sufficiently authenticated by being signed by the Chairman

Chairman of the Board, which passes the same; and a copy of any such by-law written or printed and certified to be a true copy by any member of such Board, shall be deemed authentic and be received in evidence in any Court of Justice without proof of any such signature, unless it is specially pleaded or alleged that the signature to any such original by-law has been forged. R. S. O. c. 174, s. 416. (36 V. c. 48, s. 336.)

439. In all cases where the Board of Commissioners of Police are authorized to make by-laws, either under this or any other Act or law, they shall have power in and by such by-laws to attach penalties for the infraction thereof, to be recovered and enforced by summary proceedings before the Police Magistrate of the City for which the same are passed, or, in his absence, before any Justice of the Peace having jurisdiction therein, in the manner and to the extent that by-laws of City Councils may be enforced under the authority of this Act; and the convictions in such proceedings may be in the form hereinbefore set forth. R. S. O. c. 174, s. 417. (36 V. c. 48, s. 337.)

May be enforced by penalties, etc.
How recovered.

440. The Council of every City shall appoint a High Bailiff, but may provide by by-law that the offices of High Bailiff and Chief Constable shall be held by the same person. R. S. O. c. 174, s. 418. (36 V. c. 48, s. 338.)

High bailiffs.

441. The Police Force in Cities and Towns having a Board of Commissioners of Police, shall consist of a Chief Constable and as many Constables and other officers and assistants as the Council from time to time deem necessary, but in Cities, not less in number than the Board reports to be absolutely required; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof, provision is made for the appointment, control and management of the police by the Council. R. S. O. c. 174, s. 419; 44 V. c. 24, s. 23. (37 V. c. 16, s. 11.)

Police force in cities and towns.

442. The members of such Police Force shall be appointed by and hold their offices at the pleasure of the Board, and shall take and subscribe to the following oath:—

Appointment of members thereof.

I, A. B., do swear that I will well and truly serve our Sovereign Lady the Queen in the office of Police Constable for the
 of without favour or affection, malice or ill-will; and that I will, to the best of my power, cause the peace to be kept and preserved, and will prevent all offences against the persons and properties of Her Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to law.

R. S. O. c. 174, s. 420. (36 V. c. 48, s. 340.)

443. The Board shall, from time to time, make such regulations as they may deem expedient for the government of the
 force, Board to make police regulations.

force, and for preventing neglect or abuse, and for rendering the force efficient in the discharge of all its duties. R. S. O. c. 174, s. 421. (36 V. c. 48, s. 341.)

Constables to be subject to the Board. Duties of constables.

444. The Constables shall obey all lawful directions, and be subject to the government of the Board, and shall be charged with the special duties of preserving the peace, preventing robberies and other felonies and misdemeanors, and apprehending offenders; and shall have generally all the powers and privileges, and be liable to all the duties and responsibilities which belong by law to Constables duly appointed. R. S. O. c. 174, s. 422. (36 V. c. 48, s. 342.)

Remuneration and contingent expenses.

445. The Council shall appropriate and pay such remuneration for and to the respective members of the force as may be required by the Board of Commissioners of Police, and shall provide and pay for all such offices, watch-houses, watch-boxes, arms, accoutrements, clothing and other necessities as the Board may from time to time deem requisite and require for the payment, accommodation and use of the force; but this section shall not affect or apply to any city in which by the special Act of incorporation thereof provision is made for the appointment, control and management of the Police by the Council. R. S. O. c. 174, s. 423; 44 V. c. 24, s. 23. (36 V. c. 48, s. 343.)

Constables in towns and villages.

446. The Council of every Town not having a Board of Commissioners of Police shall, and the Council of every incorporated Village may, appoint one Chief Constable, and one or more Constables for the Municipality; and the persons so appointed shall hold office during the pleasure of the Council. R. S. O. c. 174, s. 424. (37 V. c. 16, s. 12.)

Dissolution of boards of police commissioners in towns.

447. Wherever in any Town there was on the twenty-fourth day of March, 1874, a Board of Commissioners of Police constituted under the Acts then in force respecting Municipal Institutions in this Province, the Council of said Town may by by-law dissolve and put an end to said Board, and thereafter the Council shall have and exercise all powers and duties which might, under said Acts, have been had or exercised by said Board; and unless and until so dissolved and put an end to, the said Board shall have and exercise all the powers and duties which, but for this section, would have been exercised or had by said Board. R. S. O. c. 174, s. 425. (37 V. c. 16, s. 13.)

Arrests by constables for alleged breaches of the peace not committed in their presence.

448. In case any person complains to a Chief of Police, or to a Constable in a Town or City, of a breach of the peace having been committed, and in case such officer has reason to believe that a breach of the peace has been committed, though not in his presence, and that there is good reason to apprehend that the arrest of the person charged with committing the same is necessary to prevent his escape or to prevent a renewal of a breach

breach of the peace, or to prevent immediate violence to person or property, then if the person complaining gives satisfactory security to the officer that he will without delay appear and prosecute the charge before the Police Magistrate or before the Mayor or sitting Justice, such officer may, without warrant, arrest the person charged in order to his being conveyed as soon as conveniently may be before the Magistrate, Mayor or Justice, to be dealt with according to law. R. S. O. c. 174, s. 426. (36 V. c. 48, s. 345.)

449. Until the organization of a Board of Police, every Mayor or Police Magistrate may, within his jurisdiction, suspend from office, for any period in his discretion, the Chief Constable, or any Constable of the Town or City, and may, if he chooses, appoint some other person to the office during such period; and in case he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, report the case to the Council, and the Council may dismiss such officer, or may direct him to be restored to his office after the period of his suspension has expired: and the City Council shall have the like powers as to the High Bailiff of the City. R. S. O. c. 174, s. 427. (36 V. c. 48, s. 346.)

Until a board of police is organized, mayor, etc., may suspend chief constable, etc., from office, etc.

450. During the suspension of such officer he shall not be capable of acting in his office except by the written permission of the Mayor or Police Magistrate who suspended him, nor during such suspension shall he be entitled to any salary or remuneration. R. S. O. c. 174, s. 428. (36 V. c. 48, s. 347.)

Incapacity of such officer to act. Salary to cease.

DIVISION X.—COURT-HOUSES, GAOLS AND PLACES OF IMPRISONMENT.

Erection and care of. Secs. 451-469, 472-475.

Use of by Maritime Court. Sec. 466.

Insurable interest of Corporations. Sec. 470.

Furniture. Sec. 471.

Who to be confined in. Secs. 459, 461, 462, 476, 479; 29-30 V. c. 51, ss. 409, 414 and 415.

Expense of prisoners. Secs. 477, 478.

451. Every County Council may pass by-laws for erecting, improving and repairing a Court-House, Gaol, House of Correction, and House of Industry, upon land being the property of the Municipality, and shall preserve and keep the same in repair, and provide the food, fuel and other supplies required for the same. R. S. O. c. 174, s. 429. (36 V. c. 48, s. 348.)

County council may pass by-laws as to county buildings;

452. Every County Council may, when a Court House is required to be erected within the limits of a city, pass by-laws for entering upon, taking, using, and acquiring such land as may be necessary or convenient for the purposes of such court house. 43 V. c. 24, s. 20.

And for acquiring land for court-houses in cities.

453.

Gaols and court-houses in counties and cities, etc., not separated.

453. The Gaol, Court-House and House of Correction of the County in which a Town or City, not separated for all purposes from a County, is situate, shall also be the Gaol, Court-House, and House of Correction of the Town or City, and shall in the case of such City, continue to be so until the Council of the City otherwise directs; and the Sheriff, Gaoler and Keeper of the Gaol and House of Correction shall receive and safely keep, until duly discharged, all persons committed thereto by any competent authority of the Town or City. R. S. O. c. 174, s. 430. (36 V. c. 48, s. 349.)

City councils may erect, etc., certain public buildings.

454. The Council of any City may erect, preserve, improve, and provide for the proper keeping of a Court-House, Gaol, House of Correction and House of Industry upon lands being the property of the Municipality, and may pass by-laws for all or any of such purposes. R. S. O. c. 174, s. 431. (36 V. c. 48, s. 350.)

Lock-up houses may be established by county councils.

455. The Council of every County may establish and maintain a Lock-up House or Lock-up Houses within the County, and may establish and provide for the salary or fees to be paid to the Constable to be placed in charge of every such Lock-up House, and may direct the payment of the salary out of the funds of the County. R. S. O. c. 174, s. 432. (36 V. c. 48, s. 351.)

A constable to be placed in charge.

456. Every Lock-up House shall be placed in the charge of a Constable specially appointed for that purpose by the Magistrates of the County at a General Sessions of the Peace therefor. R. S. O. c. 174, s. 433. (36 V. c. 48, s. 352.)

Lock-up houses.

457. The Council of every City, Township, Town, and incorporated Village may, by by-law, establish, maintain and regulate Lock-up Houses for the detention and imprisonment of persons sentenced to imprisonment for not more than ten days under any by-law of the Council; and of persons detained for examination on a charge of having committed any offence; and of persons detained for transmission to any Common Gaol or House of Correction, either for trial or in the execution of any sentence; and such Councils shall have all the powers and authorities conferred on County Councils in relation to Lock-up Houses. R. S. O. c. 174, s. 434. (36 V. c. 48, s. 353.)

Joint lock-up houses.

458. Two or more Municipalities may unite to establish and maintain a Lock-up House. R. S. O. c. 174, s. 435. (36 V. c. 48, s. 354.)

Land may be acquired for industrial farms, house of industry, refuge, etc.

459. The Council of every County, City or Town separated from a County may acquire an estate in landed property for an Industrial Farm, and may establish a House of Industry and a House of Refuge, and provide by by-law for the erection and repair thereof, and for the appointment, payment and duties of Inspectors, Keepers, Matrons and other servants for the

the superintendence, care and management of such Houses of Industry or Refuge, and in like manner make rules and regulations (not repugnant to law) for the government of the same.

(2) Any two or more United Counties, or any two or more contiguous Counties, or any City and one or more Counties, or any Town or one or more Counties, may agree to have only one House of Industry or Refuge for such united or contiguous Counties, or City and Counties, or Town and Counties, and maintain and keep up the same in the manner herein provided. R. S. O. c. 174, s. 436. (36 V. c. 48, s. 355.)

Proviso as to united or contiguous counties.

(3) The Council may provide, by by-law, for requiring such persons as may be sent to such Industrial Farm or other place to work on the said Farm, or at any work or service for the said Municipality at such times, and for such hours, and at such trade or labour as they may appear to be adapted for respectively, and for buying and selling material therefor, and for applying the earnings, or parts thereof, of such persons for their maintenance or the maintenance of the wife and child or wife or children (if any) of such persons, or for the general maintenance of the farm or other place as aforesaid, or for aiding such persons to reach their friends (if any) or any place to which it may be deemed advisable to send them. 44 V. c. 24, s. 9.

Power to compel persons sent to industrial farms, etc., to work thereon.

460. The Inspector of a House of Industry or Refuge appointed as aforesaid, shall keep an account of the charges of erecting, keeping, upholding and maintaining the House of Industry or Refuge, and of all materials found and furnished therefor, together with the names of the persons received into the House, as well as those discharged therefrom, and also of the earnings; and such account shall be rendered to the County Council every year, or oftener when required by a by-law of the Council; and a copy thereof shall be presented to the Legislature. R. S. O. c. 174, s. 437. (36 V. c. 48, s. 356.)

Inspectors to keep and render accounts of expenses, etc.

461. The Council of every City and Town may respectively pass by-laws:

By-laws may be passed establishing workhouses and houses of correction.

(1) For erecting and establishing within the City or Town, or on such Industrial Farm, or on any ground held by the Corporation for public exhibitions, a Workhouse or House of Correction, and for regulating the government thereof. R. S. O. c. 174, s. 438 (1);

(2) For committing and sending, with or without hard labour, to the Workhouse, or House of Correction, or to the Industrial Farm, House of Industry, House of Refuge, or House for the Poor, Aged, and Infirm, or Lock-up, or to any work or service for the said Municipality as aforesaid, by the Mayor, Police Magistrate, or Justice of the Peace, while having jurisdiction

Who liable to be committed thereto.

jurisdiction in the Municipality, such disorderly persons, drunkards, vagrants, indigent persons, and such description of persons as are set forth or referred to in section 369 of the Act passed in the thirty-sixth year of Her Majesty's reign, chaptered 48, and as may by the Council be deemed, and by by-law be declared, expedient; and such Farm, House of Correction, House of Industry, House of Refuge, or House for the Poor, Aged, or Infirm, Lock-up house, or ground held as aforesaid, shall, for the purposes in this sub-section mentioned, be deemed to be within the Municipality and the jurisdiction thereof. 44 V. c. 24, s. 10. See *post*, sec. 479.

Until houses of correction erected, the common gaols are constituted houses of correction.

462. Until separate Houses of Correction are erected in the several Counties in Ontario, the Common Gaol in each County respectively shall be a House of Correction; and every idle and disorderly person, or rogue and vagabond, and incorrigible rogue, and any other person by law subject to be committed to a House of Correction, shall, unless otherwise provided by law, be committed to the said Common Gaols respectively. R. S. O. c. 174, s. 439. (C. S. U. C. c. 127, s. 11.)

Custody of gaols.

Keepers.

463. The Sheriff shall have the care of the County Gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the keepers thereof, whose salaries shall be fixed by the County Council, subject to the revision or requirement of the Inspector of Prisons and Public Charities. R. S. O. c. 174, s. 440. (36 V. c. 48, s. 358.)

Appointment and dismissal of gaolers.

(2) Every appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor. 43 V. c. 24, s. 27.

Gaoler to have a yearly salary in place of all fees, perquisites or impositions whatever.

464. The salary of the gaoler shall be in lieu of all fees, perquisites or impositions of any sort or kind whatever; and no gaoler or officer belonging to the Gaol shall demand or receive any fee, perquisite or other payment from any prisoner confined within the Gaol or prison. R. S. O. c. 174, s. 441. (C. S. U. C. c. 127, s. 5.)

County council to have care of court-house, etc.

465. The County Council shall have the care of the Court House and of all offices and rooms and grounds connected therewith, whether the same forms a separate building or is connected with the Gaol, and shall have the appointment of the keepers thereof, whose duty it shall be to attend to the proper lighting, heating and cleaning thereof; and shall from time to time provide all necessary and proper accommodation, fuel, light and furniture for the Courts of Justice other than the Division Courts, and shall provide proper offices, together with fuel, light and furniture, for all officers connected with such Courts other than official assignees. R. S. O. c. 174, s. 442; 42 V. c. 31, s. 16. (36 V. c. 48, s. 359.) *As to inspection, construction and repairing of Court Houses, see 44 V. c. 5, s. 89.*

466.

466. In case sittings of the Maritime Court of Ontario or of any Judge thereof are appointed to be held in any City, Town, or place in which a Court-House is situated, the Court or Judge shall, for all purposes connected with the said Maritime Court and its process, have the same authority as the County Court or a Judge thereof, in regard to the use of the Court-House, Gaol and other buildings or apartments set apart in the County for the administration of justice. 41 V. c. 3, s. 1. Use of court-house by Maritime Court.

467. In any City not being a separate County for all purposes, but having a Gaol or Court-House separate from the County Gaol or Court-House, the care of such City Gaol or Court-House shall be regulated by the by-laws of the City Council. R. S. O. c. 174, s. 443. (36 V. c. 48, s. 360.) City gaols to be regulated by by-laws of city council.

468. In case of a separation of a Union of Counties, all rules and regulations, and all matters and things in any statute for the regulation of, or relating to Court-Houses or Gaols in force at the time of the separation, shall extend to the Court-House or Gaol of the Junior County. R. S. O. c. 174, s. 444. (36 V. c. 48, s. 361.) Upon separation of union of counties, gaol and court-house regulations to continue.

469. Cities and Towns separated from Counties shall, as parts of their respective Counties for Judicial purposes, bear and pay their just share or proportion of all charges and expenses from time to time as the same may be incurred of erecting, building and repairing and maintaining the Court-House and Gaol of their respective Counties, and of the proper lighting, cleansing and heating thereof, and of providing all necessary and proper accommodation, fuel, light, and furniture for the Gaol and Courts of Justice, other than the Division Courts, and shall provide proper offices, together with fuel, light, and furniture for all officers connected with such Courts, other than official assignees; and all other charges relating to Criminal Justice, payable by the County in the first instance, except Constables' fees and disbursements, and charges connected with Coroners' inquests, and such other charges as the Counties are entitled to be repaid by the Province; and in case the Council of the City or Town separate as aforesaid, and the Council of the County in which such City or Town is situated for judicial purposes cannot by agreement from time to time settle and determine the amount to be so payable by such City or Town respectively, then the same shall be determined by arbitration, according to the provisions of this Act. R. S. O. c. 174, s. 445; 42 V. c. 31, s. 17 (1); 43 V. c. 24, s. 10. (39 V. c. 34, s. 1.) Liability of cities and town separated from counties for erection and maintenance of court-house. Reference to arbitration in case of disagreement.

470. The Council shall not be liable to pay for any furniture which they are required to provide under the provisions of sections 465 and 469 of this Act, unless the same has been ordered by the council or by some person duly authorized by them so to do. 43 V. c. 24, s. 12. Liability for furniture for use of county officials.

Insurable interests of corporations in certain cases.

471. The Corporation of any county and city or town separated from the County, are hereby declared to have respectively insurable interests in the Court House and Gaol of the county and the furniture thereof in the proportions in which they shall for the time being be liable to contribute towards the erection, building, repairing, and maintaining the same, and towards providing necessary accommodation and furniture for the said Gaol and Courts of Justice, and for the officers connected with such courts and any such Corporation may insure its said interest accordingly. 42 V. c. 31, s. 17 (2).

Liability of city to contribute to cost of erecting court-houses and gaols.

472. In all cases in which any city is required to contribute to the cost of erecting or building a court house or gaol, not commenced before the fifth day of March, 1880, the council of such city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereof, unless the same has been concurred in by the Council of such city, or in case of dispute has been determined by arbitration, according to the provisions of this Act, and the Council of the city shall have a voice in the selection of the site of the court house and gaol; and in case the council of the County and city shall fail to agree upon the selection of such site, the same shall be settled and determined by arbitration, according to the provisions of this Act. 43 V. c. 24, s. 19.

Compensation by city or town for use of court-house, etc.

473. While a City or Town uses the Court House, Gaol or House of Correction of the County, the City or Town shall pay to the County such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or settled by arbitration under this Act. R. S. O. c. 174, s. 446. (36 V. c. 48, s. 364.)

When the amount of compensation may be reconsidered.

474. In case after the lapse of five years from such compensation having been so agreed upon or awarded, or having been settled by statute, and whether before or after the passing of this Act, it appears reasonable to the Lieutenant-Governor in Council, upon the application of either party, that the amount of the compensation should be reconsidered, he may, by an Order in Council, direct that the then existing arrangement shall cease after a time named in the order, and after such time the Councils shall settle anew, by agreement or by arbitration under this Act, the amount to be paid from the time so named in the order. R. S. O. c. 174, s. 447. (36 V. c. 48, s. 365.)

Existing lock-up houses to continue.

475. Nothing herein contained shall affect any Lock-up House heretofore lawfully established, but the same shall continue to be a Lock-up House as if established under this Act. R. S. O. c. 174, s. 448. (36 V. c. 48, s. 366.)

This Act not to affect 29-30 V. c. 51, s. 409.

476. Nothing herein contained shall be taken or construed to affect or repeal section 409 of the Act passed in the Session of the Parliament of the late Province of Canada, held in the twenty-ninth

twenty-ninth and thirtieth years of the reign of Her present Majesty, chaptered fifty-one. R. S. O. c. 174, s. 449. (36 V. c. 48, s. 367.)

[Section 409 of 29-30 V. c. 51, is as follows:—

409. Any Justice of the Peace of the County may direct by warrant in Justice may writing under his hand and seal, the confinement in a Lock-up House direct impri- within his County, for a period not exceeding two days, of any person sonment in charged on oath with a criminal offence, whom it may be necessary to certain cases, detain until examined, and either dismissed or fully committed for trial to the Common Gaol, and until such person can be conveyed to such Gaol; also the confinement in such Lock-up House, not exceeding twenty-four hours, of any person found in a public street or highway in a state of in- toxication, or any person convicted of desecrating the Sabbath, and gen- erally may commit to a Lock-up House, instead of the Common Gaol or other House of Correction, any person convicted on view of the Justice, or summarily convicted before any Justice or Justices of the Peace of any offence cognizable by him or them, and liable to imprisonment therefor under any statute or municipal by-law.]

477. The expense of conveying any prisoner to, and of Expense of keeping him in a Lock-up House, shall be defrayed in the same conveying and manner as the expense of conveying him to and keeping him maintaining prisoners in the Common Gaol of the County. R. S. O. c. 174, s. 450. (36 V. c. 48, s. 368.)

478. The County or other Municipality in which a gaol Payment by or other place of custody is located, and from which any person municipalities is removed by a provincial bailiff, under the provisions of for conveyance of prisoners. "The Act respecting the removal of persons from County Gaols to Provincial Institutions," shall be liable to pay to the Treasurer of the Province, on demand, the expenses incurred in the removal and conveyance of each such person, together with sixty per centum added thereto towards the salary or other remuneration of such bailiff: Provided always Proviso. that when gaols are maintained jointly by cities and counties, or in case of towns separated from counties, the county shall be held to be the municipality in which the gaol is located, and such cities or towns shall pay their just proportion of such salaries and expenses, and if not mutually agreed upon the same shall be determined by arbitration as provided in this Act. See 43 V. c. 35, s. 5.

479. Nothing herein contained shall be taken or construed This Act not to affect or repeal sections 414 and 415 of the Act passed in to affect 29-30 the Session of the Parliament of the late Province of Canada, V. c. 51, ss. 414, 415, which held in the twenty-ninth and thirtieth years of the reign of enact that Her present Majesty, and chaptered fifty-one. R. S. O. c. 174, s. 451. (36 V. c. 48, s. 369.)

[Sections 414 and 415 of 29-30 V. c. 51, are as follows:—

414. Any two of Her Majesty's Justices of the Peace or of the Inspec- Justices, etc. tors appointed as aforesaid may, by writing under their hands and seals, may commit commit to the House of Industry or of Refuge, to be employed and gov- persons who erned according to the rules, regulations, and orders of the House— are—

- Indigent, (1) All poor and indigent persons who are incapable of supporting themselves ;
- Idle, (2) All persons without the means of maintaining themselves, and able of body to work, and who refuse or neglect so to do ;
- Lewd, (3) All persons leading a lewd, dissolute or vagrant life, and exercising no ordinary calling or lawful business sufficient to gain or procure an honest living ;
- Frequenters of public-houses, (4) And all such as spend their time and property in public-houses, to the neglect of any lawful calling ;
- Idiots, (5) And idiots.
- Punishment of refractory inmates. 415. Every person committed to the House of Industry or of Refuge, if fit and able, shall be kept diligently employed at labour during his continuance there ; and in case any such person is idle and does not perform such reasonable task or labour as may be assigned, or is stubborn, disobedient or disorderly, such person shall be punished according to the rules and regulations of the House of Industry or of Refuge in that behalf.]

DIVISION XI.—INVESTIGATIONS AS TO MUNICIPAL OFFICERS AND GOVERNMENT.

Investigation by county judge of charges of malfeasance by municipal officers.

Judge to have powers mentioned in R. S. O. c. 17.

480. In case the Council of any Municipality at any time passes a resolution requesting the Judge of the County Court of the County in which the Municipality is situate to investigate any matter to be mentioned in the resolution, and relating to a supposed malfeasance, breach of trust or other misconduct on the part of any member of the Council or officer of the corporation, or of any person having a contract therewith, in relation to the duties or obligations of the member, officer or other person, to the Municipality, or in case the Council of any Municipality sees fit to cause inquiry to be made into or concerning any matter connected with the good government of the Municipality, or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge to make the inquiry, the Judge shall inquire into the same, and shall for that purpose have all the powers which may be conferred upon Commissioners under "*The Act respecting Inquiries concerning Public Matters,*" and the Judge shall, with all convenient speed, report to the Council the result of the inquiry and the evidence taken thereon. R. S. O. c. 174, s. 452. (36 V. c. 48, s. 370.)

DIVISION XII.—WHEN MAYOR MAY CALL OUT *Posse Comitatus*.

Mayor may call out *posse comitatus*.

481. The Mayor of any city or town may call out the *posse comitatus* to enforce the law within his municipality should exigencies require it, but only under the same circumstances in which the Sheriff of a County may now by law do so. R. S. O. c. 174, s. 453. (36 V. c. 48, s. 371.)

PART

PART VII.

POWERS OF MUNICIPAL COUNCILS.

TITLE I.—IN GENERAL.

TITLE II.—AS TO HIGHWAYS AND BRIDGES.

TITLE III.—AS TO WORKS PAID FOR BY LOCAL RATE.

TITLE IV.—AS TO RAILWAYS.

TITLE I.—POWERS IN GENERAL.

DIV. I.—OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. II.—OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. III.—POWERS OF COUNCILS OF COUNTIES AND CITIES.

DIV. IV.—OF COUNTIES, CITIES, AND SEPARATED TOWNS.

DIV. V.—OF CITIES, TOWNS, AND INCORPORATED VILLAGES.

DIV. VI.—OF CITIES AND TOWNS.

DIV. VII.—OF TOWNS AND INCORPORATED VILLAGES.

DIV. VIII.—OF COUNTIES ONLY.

DIV. IX.—OF TOWNSHIPS ONLY.

DIVISION I.—POWERS OF COUNCILS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

Respecting the obtaining of property. Sec. 482 (1).

" *Appointment of certain officers. Sec. 482 (2, 3).*

" *Harbours, Docks, etc. Sec. 482 (4, 8).*

" *Aid to Agricultural, etc., Societies. Sec. 482 (9).*

" " *Manufacturing Establishments. Sec. 482 (10).*

" " *Road Companies, etc. Sec. 482 (11).*

" " *Indigent persons and charities. Sec. 482 (12).*

" *Census. Sec. 482 (13).*

" *Driving and Riding. Sec. 482 (14).*

" *Drainage. Sec. 482 (15, 16).*

" *Mode of Egress from Buildings. Sec. 482 (17).*

" *Fines and Penalties. Sec. 482 (18-20).*

" *Purchase of Wet Lands. Sec. 482 (21).*

" *Ornamental Trees. Sec. 482 (22).*

" *Temperance Laws. Sec. 482 (23).*

" *Seizure of Bread of short weight. Sec. 482 (24).*

" *Contracts for Supply of Water. Sec. 483.*

" *Discovery of Crimes. Sec. 484.*

Summary Remedy if By-laws not obeyed. Sec. 485.

Compensation for lands taken. Secs. 486-489.

Powers in relation to Roads and Bridges. See sec. 550, et seq.

482.

Councils may
make by-
laws—

482. The Council of every County, Township, City, Town, and incorporated Village may pass by-laws:—

Obtaining Property.

For obtaining
property, real
and personal,
etc.

(1) For obtaining such real and personal property as may be required for the use of the Corporation, and for erecting, improving and maintaining a hall, and any other houses and buildings required by and being upon the land of the Corporation, and for disposing of such property when no longer required; R. S. O. c. 174, s. 454 (1). (36 V. c. 48, s. 372 (1).)

Appointing certain Officers.

(2) For appointing such—

Pound-keepers,

Fence-viewers,

Overseers of Highways,

Road Surveyors,

Road Commissioners,

Valuators,

Game Inspectors,

May appoint
certain
officers.

and other officers as are necessary in the affairs of the Corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers; but nothing in this Act shall prevent any member of a Corporation from acting as commissioner, superintendent or overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the Municipality; and it shall be lawful for said Municipality to pay any such member of the Corporation acting as such commissioner, superintendent or overseer; R. S. O. c. 174, s. 454 (2). (36 V. c. 48, s. 372 (2).) See R. S. O. c. 188, s. 2; *Ib.* c. 192, s. 5; 43 V. c. 31, s. 15.

May fix fees
and securities.

(3) For regulating the remuneration, fees, charges and duties of such officers, and the securities to be given for the performance of such duties; R. S. O. c. 174, s. 454 (3). (36 V. c. 48, s. 372 (3).) See *sec.* 280, *ante*.

Harbours, Docks, etc.

Cleanliness of
wharves,
docks, etc.

(4) For regulating or preventing the encumbering, injuring, or fouling, by animals, vehicles, vessels or other means, of any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water; R. S. O. c. 174, s. 460 (1); 42 V. c. 31, s. 19; (36 V. c. 48, s. 378 (1).)

Removal of
door steps,
etc., obstruct-
ing wharves,
etc.

(5) For directing the removal of door steps, porches, railings or other erections, or obstructions projecting into or over any wharf, dock, slip, drain, sewer, bay, harbour, river or water, or the banks or shores thereof, at the expense of the proprietor or occupant of the property connected with which such projections are found; R. S. O. c. 174, s. 460 (2). (36 V. c. 48, s. 378 (2).)

(6)

(6) For making, opening, preserving, altering, improving and maintaining public wharves, docks, slips, shores, bays, harbours, rivers or waters and the banks thereof; Making, etc., of wharves, docks, etc. R. S. O. c. 174, s. 460 (3). (36 V. c. 48, s. 378 (3).)

(7) For regulating harbours; for preventing the filling up or encumbering thereof; for erecting and maintaining the necessary beacons, and for erecting and renting wharves, piers and docks therein, and also floating elevators, derricks, cranes and other machinery suitable for loading, discharging or repairing vessels; for regulating the vessels, crafts and rafts arriving in any harbour; and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master; Regulating harbours, beacons, wharves, elevators, etc. R. S. O. c. 174, s. 460 (4). (36 V. c. 48 s. 378 (4).)

(8) For granting aid by way of bonus, for or towards the construction of harbours, wharves, docks, slips, and necessary beacons on any river, lake, or navigable water passing in through or forming any part of the boundary of a County whether such bonus be given by such County or by a City, Town, Township, or incorporated Village situate therein, and to pay such bonus either in one sum, or in annual or other periodical payments, with or without interest, and subject to such terms, conditions and restrictions as the said Municipality may deem expedient; Granting aid by way of bonus to harbours, etc.

(a) No such by-law shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts; Assent of electors necessary.

(b) Any Municipality granting such aid may take and receive aid, security for the compliance with the terms and conditions upon which such aid is given. Security may be taken. 42 V. c. 31, s. 19 (2).

Aiding Agricultural and other Societies.

(9) For granting money or land in aid of the Agricultural and Arts Association of Ontario, or of any duly organized Agricultural or Horticultural Society in Ontario, or of any incorporated Mechanics' Institute within the Municipality, or within any adjoining Municipality; Granting aid to agricultural societies. R. S. O. c. 174, s. 454 (4). (36 V. c. 48, s. 372 (4); 40 V. c. 17, s. 113.) See also R. S. O. c. 35, s. 113.

Aiding Manufacturing Establishments.

(10) For granting aid by way of bonus for the promotion of manufactures within its limits, by granting such sum or sums of money to such person or body corporate, and in respect of such branch of industry as the said Municipality may determine upon; and to pay such sum, either in one sum or in annual or other periodical payments, with or without interest, Granting aid by way of bonus to manufactures. and

and subject to such terms, conditions and restrictions as the said Municipality may deem expedient.

Assent of electors necessary.

(a) No such by-law shall be passed until the assent of the electors has been obtained, in conformity with the provisions of this Act in respect of by-laws for creating debts. R. S. O. c. 174, s. 454 (5), *part.* (36 V. c. 48, s. 372 (5), *part.*) See sec. 322.

Persons interested in company not to vote on by-law aiding same.

(b) No property owner or lessee interested in, or holding shares or stock in, any Company shall be qualified to vote on a by-law for the purpose of granting a bonus to the Company in which he is so interested as aforesaid. 42 V. c. 31, s. 34.

Security may be taken.

(c) Any Municipality granting such aid, may take and receive security for the compliance with the terms and conditions upon which such aid is given. R. S. O. c. 174, s. 454 (5 b). (36 V. c. 48, s. 372 (5), *part.*) And see section 368 as to exempting manufacturing establishments from taxation.

Aiding Road Companies, Etc.

Aid for roads, bridges and harbours.

(11) For taking stock in or lending money, or granting bonuses to any incorporated company, in respect of any road, bridge or harbour, within or near the Municipality, under and subject to the respective statutes in that behalf, or for granting aid by way of bonus to any incorporated road or bridge company;

Assent of electors necessary.

(a) No such by-law granting such aid by way of bonus shall be passed until the assent of the electors has been obtained in conformity with the provisions of this Act in respect of by-laws for creating debts. R. S. O. c. 174, s. 454 (6). (37 V. c. 16, s. 14; 39 V. c. 34, s. 9.)

Aiding Indigent Persons and Charities.

Aiding indigent persons and charities.

(12) For aiding in maintaining any indigent person belonging to or found in the Municipality at any Work-house, Hospital or institution for the insane, deaf and dumb, blind or other public institution of a like character; or for granting aid to any charitable institution or out-of-door relief to the resident poor; R. S. O. c. 174, s. 454 (7). (36 V. c. 48, s. 372 (7).) See *post*, sec. 504 (12).

Census.

Local census.

(13) For taking a census of the inhabitants, or of the resident male freeholders and householders in the Municipality; R. S. O. c. 174, s. 454 (8). (36 V. c. 48, s. 372 (8).)

Driving or Riding on Roads and Bridges.

To regulate driving on roads and bridges.

(14) For regulating the driving and riding of horses and other cattle on highways and public bridges, and for preventing racing, immoderate or dangerous driving or riding thereon; R. S. O. c. 174, s. 454 (9). (36 V. c. 48, s. 372 (9).)

Drainage.

Drainage.

(15) For opening, making, preserving, improving, repairing, widening, altering, diverting, stopping up and pulling down, drains, sewers or water-courses, within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; R. S. O. c. 174, s. 454 (10). (36 V. c. 48, s. 372 (10).)

Opening or stopping up drains and water-courses, etc.

Highways and Drains Across Railway Lands.

(16) For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting, or stopping up within the limits of the Municipality any highway or public drain through, over, across, under, along or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purposes, but subject to the terms and restrictions contained in "*The Railway Streets and Drains Act, 1882*," and provided that such highway or drain is under the provisions of this Act, within the jurisdiction of the Council. 45 V. c. 21, s. 4.

Highways and drains across railway lands.

Egress from Buildings.

(17) For regulating the size and number of doors in churches, theatres and halls, or other buildings used for places of worship, public meetings, or places of amusement, and the street gates leading thereto, and also the size and structure of stairs and stair railing in all such buildings, and the strength of beams and joists, and their supports; R. S. O. c. 174, s. 454 (11). (29-30 V. c. 22, s. 4.)

Doors, etc., of public buildings.

Fines and Penalties.

(See also secs. 421-424.)

(18) For inflicting reasonable fines and penalties not exceeding \$50 exclusive of costs,—

Fines and penalties—

(a) Upon any person for the non-performance of his duties who has been elected or appointed to any office in the Corporation, and who neglects or refuses to accept such office, unless good cause is shewn therefor, or to take the declaration of office, and afterwards neglects the duties thereof; and

For neglect of duty, or refusal to accept office,

(b) For breach of any of the by-laws of the Corporation. R. S. O. c. 174, s. 454 (12). (36 V. c. 48, s. 372 (11).)

or breach of by-laws.

(19) For collecting such penalties and costs by distress and sale of the goods and chattels of the offender; R. S. O. c. 174, s. 454 (13). (36 V. c. 48, s. 372 (12).)

Collecting penalties and costs.

Imprisonment
when allowed,
and time of.

(20) For inflicting reasonable punishment, by imprisonment with or without hard labour, either in a Lock-up House in some Town or Village in the Township, or in the County Gaol or House of Correction, for any period not exceeding 21 days for breach of any of the by-laws of the Council, in case of non-payment of the fine inflicted for any such breach, and there being no distress found out of which such fine can be levied: except for breach of any by-law or by-laws in Cities, and the suppression of houses of ill-fame, for which the imprisonment may be for any period not exceeding six months, with or without hard labour in case of the non-payment of the costs and fines inflicted, and there being no sufficient distress as aforesaid. R. S. O. c. 174, s. 454 (14); 42 V. c. 31, s. 18. (36 V. c. 48, s. 372 (13).)

Purchasing Wet Lands.

Purchase of
wet lands from
Government.

(21) For purchasing from the Government or any Corporation or person, at a price (in case of Crown Lands, to be fixed by the Lieutenant-Governor in Council, and which price the Lieutenant-Governor in Council is hereby authorized to fix), all the wetlands at the disposal of the Crown or such Corporation or person in any such Township; and such lands may be sold accordingly to the Corporation of any such Township; R. S. O. c. 174, s. 454 (15). (36 V. c. 48, s. 372 (15).)

Raising money
for purchasing
and draining
same.

(a) The purchase and draining of such lands shall be one of the purposes for which any such Corporation may raise money by loan or otherwise, or for which they may apply any of their funds not otherwise appropriated. R. S. O. c. 174, s. 454 (15 a). (36 V. c. 48, s. 372 (16).)

May hold or
dispose of
such land.

(b) The Corporation of any Township may possess and hold the land so purchased, and may, whenever they deem it expedient, sell or otherwise depart with or dispose of the same by public auction, in like manner as they may by law sell or dispose of other property, and upon such terms and conditions, and with such mortgages upon the land so sold, or other security for the purchase money or any portion thereof, as they may think most advantageous. (R. S. O. c. 174, s. 454 (15 b). (36 V. c. 48, s. 372 (17).)

Proceeds of
sale.

(c) The proceeds of the sale of such lands shall form part of the general funds of the Municipality. R. S. O. c. 174, s. 454 (15 c). (35 V. c. 48, s. 372 (18).)

Ornamental Trees.

Regulations as
to trees,
shrubs, etc., in
public places.

(22) For causing any tree, shrub or sapling, growing or planted on any public place, square, highway, street, lane, alley or other communication under its control, to be removed, if and when such removal is deemed necessary for any purpose of public improvement; but no such tree, shrub or sapling shall

be

be so removed until after one month's notice thereof is given to the owner of the adjoining property, and he is recompensed for his trouble in planting and protecting the same: nor shall such owner, or any pathmaster, or other public officer, or any other person, remove or cut down or injure such tree, shrub or sapling, on pretence of improving the public place, square, highway, street, road, lane, alley, or other communication or otherwise, without the express permission of the Municipal Council having the control of the public place, square, highway, street, road, lane, alley or other communication; and any Council may expend money in planting and preserving shade and ornamental trees upon any public place, square, highway, street, road, lane, alley or other communication within the Municipality, and may grant sums of money to any person or association of persons to be expended for the same purposes; R. S. O. c. 174, s. 454 (16). (34 V. c. 31, ss. 3 and 5; 36 V. c. 48, s. 372 (19).) See 46 V. c. 26.

Temperance Laws.

(23) For prohibiting the sale of intoxicating liquors and the issue of licenses therefor, according to the provisions and limitations contained in "*The Temperance Act of 1864*," "*The Canada Temperance Act, 1878*," and "*The Temperance Act of Ontario*;" R. S. O. c. 174, s. 454 (17). (36 V. c. 48, s. 372 (14).)

Enforcing
Temperance
Acts.
27-28 V. c. 18.
R. S. O. c. 182.

Seizing Bread, etc.

(24) For seizing and forfeiting bread or other articles when of light weight or short measurement. R. S. O. c. 174, s. 454 (18). (37 V. c. 16, s. 16.) See also post 503 (10).

Light weight
and short
measure.

CONTRACTS FOR SUPPLY OF WATER.

483. Every Municipal Council shall have power to contract with any water-works or water company for a supply of water within the Municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable, and for the renting of any such hydrants for any number of years not, in the first instance, exceeding 10, and for renewing any such contract from time to time for such period, not exceeding 10 years, as said Council may desire, and every such Council shall also have power to purchase hydrants necessary for any of the purposes or uses aforesaid, and also to erect the same; and to purchase or rent for a term of years or otherwise, fire apparatus of any kind, and fire appliances and appurtenances belonging thereto respectively. 45 V. c. 18, s. 13; c. 23, s. 7 (2).

Council may
contract with
company for
supply of
water.

DISCOVERY OF CRIMES.

484. The Council of any Municipality in which a flagrant crime is believed to have been committed, may offer and pay a reward

Rewards for
apprehension
of criminals.

reward for the discovery, apprehension, or conviction of the criminal, or of any person who is suspected to be the criminal. 42 V. c. 31, s. 31.

SUMMARY REMEDY IF BY-LAWS NOT OBEYED.

Mode of compelling performance of matters directed to be done by council, etc.

485. Whenever any Municipal Council has any authority to direct, by by-law or otherwise, that any matter or thing should be done by any person or Corporation, such Council may also, by the same or another by-law, direct that in default of its being done by the person, such matter or thing shall be done at the expense of the person in default, and may recover the expense thereof with costs by action or distress; and, in case of non-payment thereof, the same shall be recovered in like manner as municipal taxes. R. S. O. c. 174, s. 455. (36 V. c. 48, s. 377.)

COMPENSATION FOR LANDS TAKEN.

Owners of lands taken by corporation, etc., to be compensated.

486. Every Council shall make to the owners or occupiers of, or other persons interested in, real property entered upon, taken or used by the Corporation in the exercise of any of its powers, or injuriously affected by the exercise of its powers, due compensation for any damages (including cost of fencing when required) necessarily resulting from the exercise of such powers, beyond any advantage which the claimant may derive from the contemplated work; and any claim for such compensation, if not mutually agreed upon, shall be determined by arbitration under this Act. R. S. O. c. 174, s. 456. (36 V. c. 48, s. 373.)

Differences to be determined by arbitration.

How title acquired to lands when owned by corporations, tenants in tail, vested in trustees, etc.

487. In the case of real property which a Council has authority under this Act to enter upon, take or use, without the owner's consent, corporations, tenants in tail or for life, guardians, committees, and trustees, shall, on behalf of themselves, their successors and heirs respectively, and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, married women or others, have power to act, as well in reference to any arbitration, notice and action under this Act, as in contracting for and conveying to the Council any such real property, or in agreeing as to the amount of damages arising from the exercise by the Council of any power in respect thereof.

If there be no party who can convey, etc.

(2) In case there is no such person who can so act in respect to such real property, or in case any person interested in respect to any such real property is absent from this Province, or is unknown, or in case his residence is unknown, or he himself cannot be found, the Judge of the County Court for the County in which such property is situate may, on the application of the Council, appoint a person to act in respect to the same for all or any of the said purposes. R. S. O. c. 174, s. 457. (36 V. c. 48, s. 374.)

488. In case any person acting as aforesaid has not the absolute estate in the property, the Council shall pay to him the interest only at six per centum per annum on the amount to be paid in respect of such property, and shall retain the principal to be paid to the person entitled to it whenever he claims the same, and executes a valid acquittance therefor, unless the High Court of Justice, or other Court having jurisdiction in such cases, in the meantime directs the Council to pay the same to any person or into Court; and the Council shall not be bound to see to the application of any interest so paid, or of any sum paid under the direction of such Court. R. S. O. c. 174, s. 458. (36 V. c. 48, s. 375.)

Application,
etc., of pur-
chase money
where party
has not an
absolute estate
in the prop-
erty.

489. All sums agreed upon, or awarded in respect of such real property, shall be subject to the limitations and charges to which the property was subject. R. S. O. c. 174, s. 459. (36 V. c. 48, s. 376.)

Purchase
money subject
to charges on
property.

DIVISION II.—POWERS OF COUNCILS OF TOWNSHIPS, CITIES, TOWNS, AND INCORPORATED VILLAGES.

Respecting Polling Subdivisions. Sec. 490 (1).

" *Disqualification of Electors for non-payment of Taxes. Sec. 490 (2).*

" *Billiard or Bagatelle Tables. Sec. 490 (3).*

" *Victualling Houses, etc. Sec. 490 (4, 5).*

" *Licensing Transient Traders. Sec. 490 (6).*

" *Schools. Sec. 490 (7).*

" *Cemeteries. Sec. 490 (8, 9).*

" *Graves. Sec. 490 (10).*

" *Cruelty to Animals. Sec. 490 (11).*

" *Dogs. Sec. 490 (12, 13).*

" *Fences. Sec. 490 (14).*

" *Division Fences. Sec. 490 (15, 16).*

" *Snow Fences. Sec. 490 (17).*

" *Water-courses. Sec. 490 (18).*

" *Weeds. Sec. 490 (19).*

" *Filth in Streets. Sec. 490 (20).*

" *Burning Stumps, Brush, etc. Sec. 490 (21).*

" *Exhibitions, Shows, etc. Sec. 490 (22).*

" *Trees. Sec. 490 (23, 24).*

" *Injury to property and notices. Sec. 490 (24, 25).*

" *Gas and Water Companies. Sec. 490 (26, 27).*

" *Public Morals. Sec. 490 (28-37).*

" *The Establishment of Boundaries. Secs. 490 (38),*

" *Pounds. Sec. 492.*

" *Public Health. Sec. 493.*

" *Lock-up Houses. Sec. 457, 458.*

" *Tavern and Shop Licenses. R. S. O. c. 181.*

" *Roads and Bridges. See sec. 555, et seq.*

" *Drainage. See sec. 570, et seq.*

By-laws may
be made for—

490. The Council of every Township, City, Town or incorporated Village may pass by-laws—

(See also s. 470 - 1887 - Chap 29 - sec 25. -

Polling Subdivisions.

Dividing city
or town into
wards, etc.

(1) For dividing the Wards of such City or Town, or for dividing such Township or Village into two or more convenient polling subdivisions, and for establishing polling places therein, and for repealing or varying the same from time to time; and such polling subdivisions shall be made or varied whenever the electors in any Ward, Township, Village or polling subdivision exceed 200, and shall be made and varied in such a manner that the number of electors in any polling subdivision shall not exceed at any time 200. R. S. O. c. 174, s. 461 (1). (36 V. c. 48, s. 379 (1).)

200
electors

And town-
ships and vil-
lages into
polling sub-
divisions, etc.

Polling sub-
divisions to be
the same for
elections to
Legislative
Assembly and
Municipal
elections.

Adjoining sub-
divisions may
be united for
Municipal
elections.

(a) Where a Municipality is divided into polling subdivisions, the same polling subdivisions shall be used both for the election of members of the Legislative Assembly and for Municipal elections; and the polling subdivisions for elections to the Legislative Assembly and Municipal elections shall hereafter be made the same in all cases, except that the Municipal Council of every City, Town or incorporated Village, may by by-law unite for the purposes of Municipal elections, any two adjoining polling subdivisions. R. S. O. c. 174, s. 461 (1a). (40 V. c. 12, ss. 2 & 3.)

Disqualification of Electors not paying Taxes.

Disqualifying
electors in ar-
rear for taxes.

(2) For disqualifying any elector from voting at Municipal elections who has not paid all Municipal taxes due by him on or before the fourteenth day of December next preceding the election. R. S. O. c. 174, s. 461 (2). (36 V. c. 48, s. 379 (2).) *See also sec. 254.*

Billiard or Bagatelle Tables.

Licensing and
regulating the
use of billiard
and bagatelle
tables.

(3) For licensing, regulating and governing all persons who for hire or gain, directly or indirectly keep, or have in their possession, or on their premises, any billiard or bagatelle table or who keep or have a billiard or bagatelle table in a house or place of public entertainment or resort, whether such billiard or bagatelle table is used or not, and for fixing the sum to be paid for a license so to have or keep such billiard or bagatelle table, and the time such license shall be in force. R. S. O. c. 174, s. 461 (3). (36 V. c. 48, s. 379 (3).)

Victualling Houses, etc.

Victualling
houses, etc.,
number and
regulation of.

(4) For limiting the number of and regulating victualling houses, ordinaries, and houses where fruit, oysters, clams, or victuals are sold to be eaten therein, and all other places for reception, refreshment or entertainment of the public. R. S. O. c. 174, s. 461 (4). (36 V. c. 48, s. 379 (4).) (5)

(5) For licensing the same when no other provision exists therefor, and for fixing the rates of such licenses not exceeding \$20. R. S. O. c. 174, s. 461 (5). (36 V. c. 48, s. 379 (5).)

License and fees for same.

Licensing Transient Traders.

(6) For licensing, regulating and governing transient traders, and other persons who occupy premises in the City or Town, incorporated Village, or Township, for temporary periods, and whose names have not been duly entered on the Assessment Roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale by auction, or in any other manner, conducted by themselves or by a licensed auctioneer or otherwise; but no such by-law shall affect, apply to, or restrict the sale of the stock of an Insolvent Estate which is being sold or disposed of within the County in which the Insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment. 42 V. c. 31, s. 22; 43 V. c. 24, s. 24.

Regulating transient traders.

Schools.

(7) For obtaining such real property as may be required for the erection of Public School Houses thereon, and for other Public School purposes, and for the disposal thereof when no longer required; and for providing for the establishment and support of Public Schools according to law. R. S. O. c. 174, s. 461 (6). (36 V. c. 48, s. 379 (6).)

Acquiring land for public schools, etc.

Cemeteries.

(8) For accepting or purchasing land for public cemeteries as well within as without the Municipality, but not within any City, Town or Incorporated Village, and for laying out, improving and managing the same; but no land shall be accepted or purchased for such purpose except by a by-law declaring in express terms that the land is appropriated for a public cemetery, and for no other purpose; and thereupon such land, although without the Municipality, shall become part thereof, and shall cease to be a part of the Municipality to which it formerly belonged; and such by-law shall not be repealed; and the trustees of any burying ground may agree for the sale or transfer thereof to the Municipality which desires to acquire the same; and in cases where such grounds have not been used for burials, the Municipality may dispose thereof, and acquire other ground instead thereof; R. S. O. c. 174, s. 461 (7). 36 V. c. 48, s. 379, (7). See also R. S. O. c. 170.

Acquiring land for cemeteries, etc.
Proviso.

1887 cap 29
sec 23

(9) For selling or leasing portions of such land for the purpose of interment, in family vaults or otherwise, and for declaring in the conveyance the terms on which such portion shall be held; R. S. O. c. 174, s. 461 (8). (36 V. c. 48, s. 379 (8).)

Selling portion of such land for certain purposes.

Graves.

*Graves.*Protecting
graves.

(10) For preventing the violation of cemeteries, graves, tombs, tombstones, or vaults where the dead are interred; R. S. O. c. 174, s. 461 (19). (36 V. c. 48, s. 379 (19).)

*Cruelty to Animals.*Preventing
cruelty to ani-
mals, and de-
struction of

(11) For preventing cruelty to animals, and for preventing the destruction of birds; the by-laws for these purposes not being inconsistent with any statute in that behalf; R. S. O. c. 174, s. 461 (9). (36 V. c. 48, s. 379 (9).)

*Dogs.*Regulations as
to dogs.

(12) For restraining and regulating the running at large of dogs, and for imposing a tax on the owners, possessors or harbourers of dogs; R. S. O. c. 174, s. 461 (10). (36 V. c. 48, s. 379 (10).)

Killing dogs.

(13) For killing dogs running at large contrary to the by-laws; R. S. O. c. 174, s. 461 (11). (36 V. c. 48, s. 379 (11).)

Fences.

Fences.

(14) For settling the height and description of lawful fences, and for regulating and settling the height, description and manner of maintaining, keeping up and laying down fences along highways or any part or parts thereof, and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down such last mentioned fences or any part thereof; R. S. O. c. 174, s. 461 (12). (36 V. c. 48, s. 379 (12); 39 V. c. 34, s. 2.)

*Division Fences.*Division
fences, and
cost thereof.

(15) For regulating the height, extent and description of lawful division fences; and for determining how the cost thereof shall be apportioned; and for directing that any amount so apportioned shall be recovered in the same manner as penalties not otherwise provided for may be recovered under this Act; but until such by-laws are made, the Acts respecting Line Fences and Ditching Water-courses shall continue applicable to the Municipality; R. S. O. c. 174, s. 461 (13). (36 V. c. 48, s. 379 (13).)

Provision until
by-laws made.
R. S. O. c.
198, 199.Barbed-wire
fences.

(16) For providing proper and sufficient protection against injury to persons or animals by fences constructed wholly or in part of barbed wire or any other material; (45 V. c. 23, s. 10.)

Snow Fences.

Snow fences.

(17) For requiring owners or occupiers of lands bordering upon any public highway, to take down, alter, or remove any fence

fence or fences, subject to the provisions of "*The Act respecting Snow Fences.*" See 44 V. c. 26.

Water-courses.

(18) For compelling the owners of lands through which any Water-open drain or water-course passes to erect and keep up water-gates where fences cross such drain or water-course, and for preventing persons obstructing any drain or water-course; R. S. O. c. 174, s. 461 (14). (36 V. c. 48, s. 379 (14).)

Weeds.

(19) For preventing the growth of Canada thistles and other weeds detrimental to husbandry, and compelling the destruction thereof; for the appointment of an inspector with power to enforce the provisions of such by-law; for regulating his duties, and determining the amount of remuneration, fees or changes he is to receive for the performance of such duties; R. S. O. c. 174, s. 461 (15). (37 V. c. 16, s. 15.) See also R. S. O. c. 188, and 43 V. c. 29.

Filth in Streets.

(20) For preventing persons from throwing any dirt, filth, carcasses of animals, or rubbish, on any street, road, lane, or highway; R. S. O. c. 174, s. 461 (16). (36 V. c. 48, s. 379 (16).)

Burning Stumps, Brush, etc.

(21) For regulating the times during which stumps, wood, logs, trees, brush, straw, shavings or refuse, may be set on fire or burned in the open air, and for prescribing precautions to be observed during such times, and for preventing such fires being kindled at other times; R. S. O. c. 174, s. 461 (17). (36 V. c. 48, s. 379 (17).) See 41 V. c. 23.

Exhibitions, Shows, etc.

(22) For preventing or regulating and licensing exhibitions of wax work, menageries, circus-riding, and other such like shows usually exhibited by showmen; and for requiring the payment of license fees for authorizing the same, not exceeding \$100 for every such license; and for imposing fines on such persons infringing such by-laws; and for levying the same by distress and sale of the goods and chattels of such showman, or belonging to or used in such exhibition, whether owned by such showman or not, or for the imprisonment of such offenders for any term not exceeding one month;

(a) It shall not be lawful for the Council of any Municipal Corporation, or the Commissioners of Police in any City, to grant licenses or license certificates to persons having exhibitions

Regulating public shows, and licensing same.

Fines for infraction.

Licenses not to be granted to certain times and places.

tions of any work or circus-riding, or other shows of a like character, or places of gambling, or to those engaged in traffic in fruits, goods, wares, or merchandise of whatever description, for gain, on the days of the Exhibition of the Agricultural Association of Ontario, or of any Electoral District or Township Agricultural Society, either on the grounds of such Society, or within the distance of 300 yards from such grounds; R. S. O. c. 174, s. 461 (18). (36 V. c. 48, s. 379 (18).)

Trees.

Encouraging
planting of
certain trees,

(23) For allowing to any person who plants any fruit trees, or any trees, shrubs or saplings, suitable for affording shade on any highway within the Municipality, in abatement of statute labour or out of the general fund, a sum of not less than twenty-five cents for every tree so planted; R. S. O. c. 174, s. 461 (20). (36 V. c. 48, s. 379 (20).) See 46 V. c. 26.

Injuries to Properties and Notices.

Ornamental
trees.

(24) For preventing the injuring or destroying of trees or shrubs planted or preserved for shade or ornament; and the defacing of private or other property by printed or other notices; R. S. O. c. 174, s. 461 (21). (36 V. c. 48, s. 379 (21).)

Signs.

(25) For preventing the pulling down or defacing of sign-boards, and of printed or written notices lawfully affixed; R. S. O. c. 174, s. 461 (22). (36 V. c. 48, s. 379 (21).)

Gas and Water Companies.

Authorizing
gas and water
companies to
lay down
pipes, etc.

(26) For authorizing any corporate Gas or Water Company to lay down pipes or conduits for the conveyance of water or gas under streets or public squares, subject to such regulations as the Council sees fit; R. S. O. c. 174, s. 461 (23). 36 V. c. 48, s. 379 (23).)

Taking stock
in gas and
water com-
panies.

Proviso.
Head of cor-
poration to be
a director in
certain cases.

(27) For acquiring stock in, or lending money to, any such Company; and for guaranteeing the payment of money borrowed by, or of debentures issued for money so borrowed by the Company; provided the by-law is consented to by the electors, as hereinbefore provided. In such case the head of any Corporation holding stock in any such Company to the amount of \$10,000 shall be *ex officio* a Director of the Company in addition to the other Directors thereof, and shall also be entitled to vote on such stock at any election of Directors; R. S. O. c. 174, s. 461 (24). (36 V. c. 48, s. 379 (24).)

Public Morals.

Sale of intoxi-
cating drink to
children, etc.

(28) For preventing the sale or gift of intoxicating drink to a child, apprentice or servant, without the consent of a parent, master or legal protector; R. S. O. c. 174, s. 461 (25). (36 V. c. 48, s. 379 (31).) (29)

(29) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or the making of indecent pictures or drawings, on walls or fences in streets or public places; R. S. O. c. 174, s. 461 (26). (36 V. c. 48, s. 379 (32).) Indecent placards, etc.

(30) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or grossly insulting language, and other immorality and indecency; R. S. O. c. 174, s. 461 (27). (36 V. c. 48, s. 379 (33).) Vice, drunkenness, etc.

(31) For suppressing disorderly houses and houses of ill-fame; R. S. O. c. 174, s. 461 (28). (36 V. c. 48, s. 379 (34).) Lewdness.

(32) For preventing or regulating and licensing exhibitions held or kept for hire or profit, bowling alleys and other places of amusement; R. S. O. c. 174, s. 461 (29). (36 V. c. 48, s. 379 (35).) Exhibitions, etc.

(33) For suppressing gambling houses, and for seizing and destroying faro-banks, *rouge et noir*, roulette tables, and other devices for gambling found therein; R. S. O. c. 174, s. 461 (30). (36 V. c. 48, s. 379 (36).) Gaming.

(34) For preventing horse racing; R. S. O. c. 174, s. 461 (31). (36 V. c. 48, s. 379 (37).) Racing.

(35) For restraining and punishing vagrants, mendicants, and persons found drunk or disorderly in any street, highway or public place; R. S. O. c. 174, s. 461 (32). (36 V. c. 48, s. 379 (38).) Vagrants.

(36) For preventing indecent public exposure of the person and other indecent exhibitions; R. S. O. c. 174, s. 461 (33). (36 V. c. 48, s. 379 (39).) Indecent exposure.

(37) For preventing or regulating the bathing or washing the person in any public water in or near the Municipality; R. S. O. c. 174, s. 461 (34). (36 V. c. 48, s. 379 (40).) Bathing.

Establishing Boundaries.

(38) For procuring the necessary estimates, and making the proper application for ascertaining and establishing the boundary lines of the Municipality, according to law, in case the same has not been done; and for erecting and providing for the preservation of the durable monuments required to be erected for evidencing the same. R. S. O. c. 174, s. 461 (35). (36 V. c. 48, s. 379 (25).) Regulating boundaries of municipalities.

491. In case the Council of any Township, City, Town or incorporated Village adopts a resolution on the application of one half of the resident landholders to be affected thereby, or upon its own motion, that it is expedient to place durable monuments at the front or rear of any concession or range or part thereof in the Municipality, or at the front or rear angles of Placing land-marks and monuments or marking boundaries of concessions, lots, etc.

R. S. O. c.
146, ss. 38-45.

of the lots therein, the Council may apply to the Lieutenant-Governor, in the manner provided for in the thirty-eighth to the forty-fifth sections of "*The Act respecting Land Surveyors and the Survey of Lands*," praying him to cause a survey of such concession or range, or such part thereof, to be made, and such monuments to be placed under the authority of the Commissioner of Crown Lands.

Cost of survey.

(2) The person or persons making the survey shall accordingly plant stones or other durable monuments at the front or at the rear of such concession or range, or such part thereof as aforesaid, or at the front and rear angles of every lot therein (as the case may be), and the limits of each lot so ascertained and marked shall be the true limits thereof; and the costs of the survey shall be defrayed in the manner prescribed by the said statute. R. S. O. c. 174, s. 462. (36 V. c. 46, s. 380.)

Pounds, etc.

By-laws may
be made for—

492. The Council of every Township, City, Town and incorporated Village, may also pass by-laws (not inconsistent with the Statutes of Canada respecting Cruelty to Animals)—

Providing
pounds.

(1) For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound;

Animals run-
ning at large.

(2) For restraining and regulating the running at large or trespassing of any animals, and providing for impounding them; and for causing them to be sold in case they are not claimed within a reasonable time, or in case the damages, fines and expenses are not paid according to law;

Appraising the
damages.

(3) For appraising the damages to be paid by the owners of animals impounded for trespassing contrary to the laws of Ontario or of the Municipality;

Compensation
with respect to
impounding
animals.

(4) For determining the compensation to be allowed for services rendered, in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer. R. S. O. c. 174, s. 463. (36 V. c. 48, s. 381.) *See also R. S. O. c. 195.*

Public Health.

Members of
council to be
health officers,
R. S. O. c.
190.

May delegate
powers.

493. The members of every Township, City, Town and incorporated Village Council shall be Health Officers within their respective Municipalities, under *The Act respecting the Public Health*, and under any Act passed after this Act takes effect for the like purpose; but any such Council may, by by-law, delegate the powers of its members as such Health Officers to a committee of their own number, or to such persons, either including or not including one or more of themselves, as the Council thinks best. R. S. O. c. 174, s. 464. (36 V. c. 48, s. 382.) *See 45 V. c. 29.*

For

For powers of Cities, Townships, Towns and Villages as to Lock-up Houses, see secs. 457, 458; and as to Tavern and Shop Licenses, see R. S. O. c. 181, ss. 17, 21, 24 and 32.

DIVISION III.—POWERS OF COUNCILS OF COUNTIES AND CITIES.

Horse Thieves.

494. The Council of every County or City shall provide by by-law, that a sum not less than \$20 shall be payable as a reward to any person or persons who shall pursue and apprehend, or cause to be apprehended, any person or persons guilty of stealing any horse or mare within the said County or City, and such reward shall be paid out of the funds of the Corporation on the conviction of the thief, on the order of the Judge before whom the conviction is obtained. R. S. O. c. 174, s. 477; 43 V. c. 24, s. 17. (36 V. c. 48, s. 396.) See 29-30 V. c. 51, s. 355 (26). Reward for apprehension of persons guilty of horse stealing.

Sub-section 27 of Section 355 of 29-30 V. c. 51, enacts as follows:

(27) The said reward shall not disqualify the person claiming the same or entitled thereto, from being a witness. Reward not to disqualify witness.

DIVISION IV.—POWERS OF COUNCILS OF COUNTIES, CITIES AND SEPARATED TOWNS.

Respecting Engineers, Inspectors, Gaol Surgeons, etc. Sec.

- 495 (1).
- " Auctioneers. Sec. 495 (2).
- " Hawkers and Pedlars. Sec. 495 (3).
- " Ferries. Sec. 495 (4).
- " High Schools. Sec. 495 (5, 6).
- " Support of pupils at High Schools, Toronto University and U. C. College. Sec. 495 (7, 8).
- " Endowment of Fellowships. Sec. 495 (9).
- " Public Fairs. Sec. 495 (10).
- " Junk Stores. Sec. 495 (11).

495. The Council of any County, City and Town separated from the County for Municipal purposes, may pass by-laws for the following purposes:— By laws may be made for—

Engineers—Inspectors—Gaol Surgeons, etc.

(1) For appointing, in addition to other officers, one or more Engineers, and also one or more Inspectors of the House of Industry; also one or more Surgeons of the Gaol and other institutions under the charge of the Municipality; and for the removal of such officers. R. S. O. c. 174, s. 465 (1). (36 V. c. 48, s. 383 (1). Appointing engineers, inspectors, gaol surgeons, etc.
Auctioneers.

Auctioneers.

Licensing, etc.,
auctioneers. (2) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction; and for fixing the sum to be paid for every such license, and the time it shall be in force; R. S. O. c. 174, s. 465 (2). (36 V. c. 48, s. 383 (2).)

Hawkers and Pedlars.

Hawkers,
petty chap-
men, etc. (3) For licensing, regulating and governing hawkers or petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal bearing or drawing any goods, wares, or merchandise for sale, or in or with any boat, vessel, or other craft, or otherwise carrying goods, wares, or merchandise for sale, and for fixing the sum to be paid for a license for exercising such calling within the county, city or town, and the time the license shall be in force:

In case of Counties for providing the Clerk of each Municipality within the County with licenses, in this and the previous sub-section mentioned, for sale to parties applying for the same under such regulations as may be prescribed in such by-laws:

Provido, Provided always that no such license shall be required for hawking, peddling or selling from any vehicle or other conveyance any goods, wares or merchandise to any retail dealer, or for hawking or peddling any goods, wares or merchandise, the growth, produce or manufacture of this Province, not being liquors within the meaning of the law relating to taverns or tavern licenses, if the same are being hawked or peddled by the manufacturer or producer of such goods, wares or merchandise, or by his *bona fide* servants or employees having written authority in that behalf; and any such servant or employee shall produce and exhibit his written authority when required so to do by any Municipal or Peace Officer:

Provido, And provided also that nothing herein contained shall affect the powers of any Council to pass by-laws, under the provisions of section 496 of this Act or amendments thereto hereafter made. 43 V. c. 24, s. 13.

Ferries.

Licensing, etc.,
ferries, etc. (4) For licensing and regulating ferries between any two places within the Municipality, under the provisions of "*The Act respecting Ferries*," and establishing the rates of ferriage to be taken thereon; but no such law as to ferries shall have effect until assented to by the Lieutenant-Governor in Council;

Until by-law
passed, Lieut.-
Governor to
regulate. (a) Until the Council passes a by-law regulating such ferries, and in the cases of ferries not between two places in the same Municipality, the Lieutenant-Governor by Order in Council may from time to time regulate such ferries respectively, and establish the rates to be taken thereon, in accordance with the statutes in force relating to ferries; R. S. O. c. 174, s. 465 (4). (36 V. c. 48, s. 383 (4).)

Lands

Lands for High Schools.

(5) For obtaining in such part of the County, or of any City or Town separated within the County, as the wants of the people may most require, the real property requisite for erecting High School houses thereon, and for other High School purposes, and for preserving, improving and repairing such school houses, and for disposing of such property when no longer required. R. S. O. c. 174, s. 465 (5). (36 V. c. 48, s. 383 (5).)

Aiding High Schools.

(6) For making provisions in aid of such High Schools as may be deemed expedient. R. S. O. c. 174, s. 465 (6). (36 V. c. 48, s. 383 (6).)

Supporting Pupils at High Schools, Toronto University, and Upper Canada College.

(7) For making a permanent provision for defraying the expenses of the attendance at the University of Toronto, and at the Upper Canada College and Royal Grammar School in Toronto, of such of the pupils of the Public High Schools of the County as are unable to incur the expense, but are desirous of, and in the opinion of the respective masters of such High Schools, possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College. R. S. O. c. 174, s. 465 (7). (36 V. c. 48, s. 383 (7). See also R. S. O. c. 205, s. 32 (4).)

(8) For making similar provision for the attendance at any High School, for like purposes, of pupils of Public Schools of the Municipality. R. S. O. c. 174, s. 465 (8). (36 V. c. 48, s. 383 (8).) See also R. S. O. c. 205, s. 32 (5).

Endowing Fellowships.

(9) For endowing such fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, and in the Upper Canada College and Royal Grammar School at Toronto, for competition among the pupils of the Public High Schools in the County, as the Council deem expedient for the encouragement of learning amongst the youth thereof. R. S. O. c. 174, s. 465 (9). (36 V. c. 48, s. 383 (9).) See also R. S. O. c. 205, s. 32 (6).

Public Fairs.

(10) For authorizing, on petition of at least 50 qualified electors of the Municipality, the holding of public fairs at one or more of the most public and convenient places not separated from the Municipality for municipal purposes;

(a)

Purpose of
such fairs re-
stricted.

(a) The purpose for which such fairs may be held shall be restricted to the sale, barter and exchange of cattle, horses, sheep, pigs, and articles of agricultural production or requirement;

Rules to be
made for gov-
erning same.

(b) The by-law to authorize the establishment of any such fair shall establish rules and regulations for the government of the same, and appoint a person whose duty it shall be to have them carried out, and shall also fix the fees to be paid him by persons attending the said fair;

Public notice
of by-law
establishing
same.

(c) The Council authorizing the establishment of a public fair shall immediately after the passing of a by-law for that purpose, give public notice of the same. R. S. O. c. 174, s. 465 (10). (36 V. c. 4, s. 383 (10).)

Junk Stores.

Licensing and
regulating
"junk" stores.

(11) For licensing and regulating "junk" stores or shops, and for fixing the sum to be paid for the license so to have or keep such "junk" store or shop. (45 V. c. 23, s. 11.)

For powers of Counties, Cities and Towns as to Houses of Refuge, see sec. 459.

DIVISION V.—POWERS OF COUNCILS OF CITIES, TOWNS AND INCORPORATED VILLAGES.

Respecting Water and Water-Works. Sec. 496 (1, 2).

" *Tainted Provisions. Sec. 496 (3).*

" *Nuisances. Sec. 496 (4-9).*

" *Enclosure of Vacant Lots. Sec. 496 (10).*

" *Driving upon Sidewalks. Sec. 496 (11).*

" *Importuning Travellers. Sec. 496 (12).*

" *Public Health. Sec. 496 (13).*

" *Interments. Sec. 496 (14, 15).*

" *Gunpowder. Sec. 496 (16).*

" *Prevention of Fires. Sec. 496 (17-30).*

" *Removal of Snow, Ice, Dirt. Sec. 496 (31).*

" *Obstruction of Roads and Streets. Sec. 496 (32, 33).*

" *Numbering Houses and Lots and Record of Streets. Sec. 496 (34, 35).*

" *Naming Streets. Sec. 496 (36).*

" *Cellars. Sec. 496 (37, 38).*

" *Sewerage and Drainage. Sec. 496 (39-44).*

" *User of Streets. Secs. 496 (45-48), 497 (9).*

" *Cab Stands. Sec. 496 (46).*

" *Telegraph Poles. Sec. 496 (47).*

" *Accidents to Children from riding behind wag-
gons. Sec. 496 (48).*

Respecting

Respecting Inspection of Meat, Milk, etc. Sec. 496 (49).

" *Free Libraries.* Sec. 496 (50).

" *Markets, etc.* Secs. 497-503.

" *Assize of Bread.* Sec. 503 (13).

496. The Council of every City, Town and incorporated Village may pass by-laws:—

By-laws may be made for—

Water and Water-works.

(see Amendment S of Q 1882 cap 32 sec 13)

(1) For establishing, protecting and regulating public wells, reservoirs and other conveniences for the supply of water, and for making reasonable charges for the use thereof, and for preventing the wasting and fouling of public water; R. S. O. c. 174, s. 466 (1). (36 V. c. 48, s. 384 (1).)

Establishing, etc., public wells, reservoirs, etc.

(2) For constructing, building, purchasing, improving, extending, holding, maintaining, managing and conducting water-works, and all buildings, materials, machinery and appurtenances thereto belonging in the municipality and in the neighbourhood thereof, subject to the provisions contained in "The Municipal Water Works Act, 1882;" 45 V. c. 25, s. 2.

Constructing water-works.

Tainted Meat.

(3) For seizing and destroying all tainted and unwholesome meat, poultry, fish, or other articles of food; R. S. O. c. 174, s. 466 (14). (36 V. c. 48, s. 384 (14).)

Tainted provisions.

Nuisances.

(4) For preventing and abating public nuisances; 44 V. c. 24 s. 11. (36 V. c. 48, s. 384 (15).)

Prevention of begging, etc.

(5) For preventing common begging or persons in the streets from importuning others for help or aid in money, or deformed, or malformed, or diseased persons, from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity. 44 V. c. 24, s. 11.

(6) For preventing or regulating the construction of privy vaults; R. S. O. c. 174, s. 466 (16). (36 V. c. 48, s. 384 (16).)

Priv. vaults.

(7) For preventing or regulating the erection or continuance of slaughter houses, gas works, tanneries, distilleries or other manufactories or trades which may prove to be nuisances; including the keeping of cattle and pigs, or swine, and cattle or cow-byres and piggeries; R. S. O. c. 174, s. 466 (17); 44 V. c. 24, s. 12. (36 V. c. 48, s. 384 (17).)

Slaughter houses, etc.

(8) For preventing the ringing of bells, blowing of horns, shouting and other unusual noises, in streets and public places; R. S. O. c. 174, s. 466 (18). (36 V. c. 48, s. 384 (18).)

Preventing noises.

(9)

- Firing of guns, etc. (9) For preventing or regulating the firing of guns or other fire-arms; and the firing or setting off of fire balls, squibs, crackers or fire-works, and for preventing charivaries and other like disturbances of the peace; R. S. O. c. 174, s. 466 (19). (36 V. c. 48, s. 384 (19).)

Enclosure of Vacant Lots.

- Vacant lots. (10) For causing vacant lots to be properly enclosed; R. S. O. c. 174, s. 466 (20). (36 V. c. 48, s. 384 (20).)

Driving upon Sidewalks.

- Driving, etc., upon sidewalks. (11) For preventing the leading, riding or driving of horses or cattle upon sidewalks or other places not proper therefor; R. S. O. c. 174, s. 466 (21). (36 V. c. 48, s. 384 (21).)

Importuning Travellers.

- Importuning travellers. (12) For preventing persons in streets or public places from importuning others to travel in or employ any vessel or vehicle, or go to any tavern or boarding house, or for regulating persons so employed; R. S. O. c. 174, s. 466 (22). 36 V. c. 48, s. 384 (22).)

Public Health.

- Public health. (13) For providing for the health of the Municipality, and against the spreading of contagious or infectious diseases; R. S. O. c. 174, s. 466 (23). (36 V. c. 48, s. 384 (23).) *See also* R. S. O. c. 190, and 45 V. c. 29.

Interments.

- Interments. (14) For regulating the interment of the dead, and for preventing the same taking place within the Municipality; R. S. O. c. 174, s. 466 (24). (36 V. c. 48, s. 384 (24).)

- Bills of mortality. (15) For directing the keeping and returning of bills of mortality; and for imposing penalties on persons guilty of default; R. S. O. c. 174, s. 466 (25). (36 V. c. 48, s. 384 (25).)

Gunpowder.

- Gunpowder, care of. (16) For regulating the keeping and transporting of gunpowder and other combustible or dangerous materials; for regulating and providing for the support, by fees, of magazines for storing gunpowder belonging to private parties; for compelling persons to store therein; for acquiring land, as well within as without the Municipality, for the purpose of erecting powder magazines, and for selling and conveying such land when no longer required therefor; R. S. O. c. 174, s. 466 (26). (36 V. c. 48, s. 384 (26).)

Preventing

Preventing Fires.

- (17) For appointing fire wardens, fire engineers and firemen, and promoting, establishing, and regulating fire companies, hook-and-ladder companies, and property-saving companies; Fire companies, etc. R. S. O. c. 174, s. 466 (27). (36 V. c. 48, s. 384 (27).)
- (18) For providing medals or rewards for persons who distinguish themselves at fires; and for granting pecuniary aid, or otherwise assisting the widows and orphans of persons who are killed by accident at such fires; Medals and rewards to persons distinguishing themselves at fires. Aid to widows. R. S. O. c. 174, s. 466 (28). (36 V. c. 48, s. 384 (28).)
- (19) For preventing or regulating the use of fire or lights in stables, cabinetmakers' shops, carpenters' shops, and combustible places; Fire in stables, etc. R. S. O. c. 174, s. 466 (29). (36 V. c. 48, s. 384 (29).)
- (20) For preventing or regulating the carrying on of manufacturing or trades dangerous in causing or promoting fire; Dangerous manufactories. R. S. O. c. 174, s. 466 (30). (36 V. c. 48, s. 384 (30).)
- (21) For preventing, and for removing or regulating the construction of any chimney, flue, fire-place, stove, oven, boiler, or other apparatus or thing which may be dangerous in causing or promoting fire; Chimneys, stoves, etc. R. S. O. c. 174, s. 466 (31). (36 V. c. 48, s. 384 (31).)
- (22) For regulating the construction of chimneys as to dimensions and otherwise, and for enforcing the proper cleaning of the same, and for compelling manufacturers and others to have such chimneys or other apparatus as shall consume the smoke or prevent the same from fouling the atmosphere or being carried by the wind or otherwise to other shops, houses, or premises, to the inconvenience or injury of the neighbouring premises or residents therein. Regulating construction, etc., of chimneys. 44 V. c. 24, s. 13.
- (23) For regulating the mode of removal and safe keeping of ashes; Ashes. R. S. O. c. 174, s. 466 (33). (36 V. c. 48, s. 384 (33).)
- (24) For regulating and enforcing the erection of party walls; Party walls. R. S. O. c. 174, s. 466 (34). (36 V. c. 48, s. 384 (34).)
- (25) For compelling the owners and occupants of houses to have scuttles in the roof thereof, with approaches; or stairs or ladders leading to the roof; Scuttles, ladders, etc., to houses. R. S. O. c. 174, s. 466 (35). (36 V. c. 48, s. 384 (35).)
- (26) For causing buildings and yards to be put in other respects into a safe condition to guard against fire or other dangerous risk or accident; Guarding buildings against fire. R. S. O. c. 174, s. 466 (36). (36 V. c. 48, s. 384 (36).)
- (27) For requiring the inhabitants to provide so many fire buckets, in such manner and time as may be prescribed; and for regulating the examination of them, and the use of them at fires; Fire buckets. R. S. O. c. 174, s. 466 (37). (36 V. c. 48, s. 384 (37).)

- Inspection of premises. (28) For authorizing appointed officers to enter at all reasonable times upon any property subject to the regulations of the Council, in order to ascertain whether such regulations are obeyed, or to enforce or carry into effect the same; R. S. O. c. 174, s. 466 (38). (36 V. c. 48, s. 384 (38).)
- Preventing spreading of fire. (29) For making regulations for suppressing fires, and for pulling down or demolishing adjacent houses or other erections, when necessary to prevent the spreading of fire; R. S. O. c. 174, s. 466 (39). (36 V. c. 48, s. 384 (39).)
- Enforcing assistance at fires. (30) For regulating the conduct, and enforcing the assistance of the inhabitants present at fires, and for the preservation of property at fires; R. S. O. c. 174, s. 466 (40). (36 V. c. 48, s. 384 (40).)

Removal of Snow, Ice, Dirt.

- Removal of snow, etc. (31) For compelling persons to remove all snow and ice from the roofs of the premises owned or occupied by them; and to remove and clear away all snow, ice and dirt, and other obstructions, from the sidewalks, streets and alleys adjoining such premises; and also to provide for the cleaning of sidewalks and streets adjoining vacant property, the property of non-residents, and all other persons who, for twenty-four hours, neglect to clean the same; and to remove and clear away all snow and ice, and other obstructions, from such sidewalks and streets, at the expense of the owner or occupant in case of his default; and in case of non-payment, to charge such expenses as a special assessment against such premises, to be recovered in like manner as other municipal rates; R. S. O. c. 174, s. 466 (41). (36 V. c. 48, s. 384 (41).)
- Cleaning of sidewalks, streets, etc.

Obstruction of Roads and Streets.

- Preventing obstruction and fouling of streets, etc. (32) For regulating or preventing the encumbering, injuring or fouling, by animals, vehicles, vessels or other means, of any road, street, square, alley, lane, bridge or other communication; R. S. O. c. 174, s. 466 (42). (36 V. c. 48, s. 384 (42).)
- Removal of door-steps, etc. (33) For directing the removal of door-steps, porches, railings or other erections, or obstructions projecting into or over any road or other public communication, at the expense of the proprietor or occupant of the property connected with which such projections are found; R. S. O. c. 174, s. 466 (43). (36 V. c. 48, s. 384 (43).)

Numbering Houses and Lots.

- Numbering houses, etc. (34) For numbering the houses and lots along the streets of the Municipality, and for affixing the numbers to the houses, buildings, or other erections along the streets, and for charging the owner or occupant of each house or lot with the expense incident to the numbering of the same; R. S. O. c. 174, s. 466 (44). (36 V. c. 48, s. 384 (44).) (35)

(35) For keeping (and every such Council is hereby required to make and keep) a record of the streets, and numbers of the houses and lots numbered thereon respectively, and entering thereon, and every such Council is hereby required to enter thereon a division of the streets with boundaries and distances for public inspection; R. S. O. c. 174, s. 466 (45). (36 V. c. 48, s. 384 (45).) Record of streets, numbers, etc.

Naming Streets.

(36) For surveying, settling, and marking the boundary lines of all streets, roads, and other public communications, and for giving names thereto, and affixing such names at the corners thereof, on either public or private property; but no by-law for altering the name of any street, square, road, lane, or other public communication, shall have any force or effect, unless and until the by-law has been registered in the Registry Office of the County or other Registration Division; and the Registrar shall be entitled to a fee of one dollar for every by-law so registered, and for the necessary entries and certificates in connection therewith; R. S. O. c. 174, s. 466 (46). (36 V. c. 48, s. 384 (46); 40 V. c. 7, *Sched. A* (180).) For marking the boundaries of and naming streets, etc.

Levels of Cellars—Plans.

(37) For ascertaining and compelling owners, tenants and occupants to furnish the Councils with the levels of the cellars heretofore dug or constructed, or which may hereafter be dug or constructed along the streets of the Municipality, such levels to be with reference to a line fixed by the by-laws; R. S. O. c. 174, s. 466 (47). (36 V. c. 48, s. 384 (47).) Ascertaining levels of cellars, etc.

(38) For compelling to be deposited with an officer, to be named in the by-law, before commencing the erection of any building, a ground or block plan of such building, with the levels of the cellars and basements thereof, with reference to a line fixed by the by-laws; R. S. O. c. 174, s. 466 (48). (36 V. c. 48, s. 384 (48).) Compelling the furnishing of ground or block plan of buildings to be erected.

Sewerage and Drainage.

(39) For regulating the construction of cellars, sinks, water-closets, privies and privy vaults, and the manner of draining the same; R. S. O. c. 174, s. 466 (49). (36 V. c. 48, s. 384 (49).) Cellars, sinks, etc.

(40) For compelling or regulating the filling up, draining, clearing, altering, relaying or repairing of any grounds, yards, vacant lots, cellars, private drains, sinks, cesspools and privies; and for assessing the owners or occupiers of such grounds or yards, or of the real estate on which the cellars, private drains, sinks, cesspools and privies are situate, with the cost thereof, if done by the Council on their default; R. S. O. c. 174, s. 466 (50). (36 V. c. 48, s. 384 (50).) Filling in hollow places, drains, etc.

Sewerage and
drainage.

(41) For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes; R. S. O. c. 174, s. 466 (51). (36 V. c. 48, s. 384 (51).)

Charging rent
for sewers.

(42) For charging all persons who own or occupy property which is drained into a common sewer, or which by any by-law of the Council is required to be drained into such sewer, with a reasonable rent for the use of the same and for regulating the time or times and manner in which the same is to be paid; R. S. O. c. 174, s. 466 (52). (36 V. c. 48, s. 384 (52).)

Acquiring
land in another
municipality
for drainage
purposes.

(43) For accepting or purchasing any land in any other Municipality which may be required for preventing such city, town or incorporated village, or any part thereof, being flooded by the surface or other waters flowing from such other Municipality into such city, town, or incorporated village, and for providing an outlet for such waters through any other Municipality, and for opening, making, preserving, and improving drains, sewers and water-courses in the lands so acquired; Provided always that the consent of the Municipality in which the lands to be taken are situate shall be obtained before the powers conferred by this sub-section shall be exercised; 43 V. c. 24, s. 21.

Proviso.

repealed
1887
chap 29
sec 27. page 152

Acquiring
land in another
municipality
for general
purposes.

(44) For acquiring and holding by purchase or otherwise, for the public use of the Municipality, lands situate outside the limits of such city, town, or incorporated village; but such lands so acquired shall not form part of the Municipality of such city, town or incorporated village, but shall continue and remain as of the Municipality where situate; R. S. O. c. 174, s. 556. (40 V. c. 25, s. 1.) See also Secs. 490 (8) and 504 (9).

User of Streets.

Regulating
traffic in
streets, wheels,
etc.

(45) For regulating the conveyance of traffic in the public streets, and the width of the tires and wheels of all vehicles used for the conveyance of articles of burden, goods, wares or merchandise; R. S. O. c. 174, s. 466 (54); 36 V. c. 48, s. 384 (54).

Cab Stands.

Cab stands.

(46) For authorizing and for assigning stands for vehicles kept for hire on the public streets and places, and for authorizing the erection and maintenance of covered stands or booths on the streets, highways and public places for the protection and shelter of the drivers of such vehicles: Provided that no such booth or covered stand shall be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth; 43 V. c. 24, s. 15.

Proviso.

Telegraph Poles.

Telegraph
poles.

(47) For regulating the erection and maintenance of telegraph and telephone poles and wires within their limits; 44 V. c. 24, s. 14.

Children

Children Riding behind Vehicles.

(48) For preventing children from riding on the platform of cars or behind waggons and other vehicles, and for preventing accidents arising from such cases. 44 V. c. 24, s. 14. Preventing children from riding behind waggons, etc.

Inspection of Meat, Milk, etc.

(49) For appointing inspectors and providing for the inspection of milk, meat, poultry, fish and other natural products offered for sale for human food or drink, whether on the streets or in public places, or in shops. 45 V. c. 23, s. 12. Inspection of meat, etc.

Free Libraries.

(50) For establishing free libraries in accordance with and subject to the provisions of "The Free Libraries Act, 1882." Establishing free libraries. 45 V. c. 22.

Markets, etc.

497. No municipality shall impose, levy or collect a market fee upon any wheat, barley, rye, corn, oats, or upon any other grain, or upon any hay or other seed, or wool, lumber, lath, or shingles, or cordwood or other firewood, or upon dressed hogs, or cheese, or upon hay, straw or other fodder, that may be brought to market or to the market place for sale or other disposal, or upon the person bringing, or the vehicle in which the same is or shall be brought. 45 V. c. 24, s. 1 (1). Market fees on certain products abolished.

(2) No market fee shall be charged, levied, or imposed upon or in respect of butter, eggs or poultry brought to market, or upon the market place, for sale, unless a convenient and fit place in which to offer or expose the same for sale shall be provided by the Municipality, which shall afford shelter in summer, and shelter and reasonable protection from the cold in winter. 45 V. c. 24, s. 1 (2). When fees may be charged on butter, etc., brought to market.

(3) When the vendor of any article brought within the Municipality in pursuance of a prior contract for the sale thereof, proceeds directly to the place of delivery thereof, under such contract, without hawking the same upon the streets or elsewhere in the Municipality, it shall not be lawful to impose, levy or collect a market fee thereon, or in respect thereof or on the vehicle in which the same is so brought. 45 V. c. 24, s. 2 (1). Fees not to be charged on articles delivered in pursuance of prior contract.

(4) Where there is no prior contract as mentioned in the previous sub-section, no market fee shall be imposed, levied, or collected upon or in respect of any article brought into any Municipality after the hour of ten o'clock in the forenoon, nor on or in respect of any vehicle in which such article is so brought, unless such article is offered or exposed for sale upon the market place of such Municipality. 45 V. c. 24, s. 2 (2). When fees not to be charged, though no prior contract.

(5)

Restriction as to by-laws requiring articles to be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, or wood to be measured, where neither the vendor nor purchaser desires to have the same so weighed or measured. 45 V. c. 24, s. 3.

Limit of time for enforced sale of goods at market.

(6) After nine o'clock in the forenoon, between the first day of April and the first day of November, and after ten o'clock in the forenoon, between the first day of November and the first day of April, no person shall be compelled to remain on any market place with any article which he may have been exposing or offering for sale in such market place, but may, after the expiration of such hour, proceed to sell such article elsewhere than in or on said market place: Provided that such person has paid the market fee on or in respect of such article, or the vehicle in which the same is contained. 45 V. c. 24, s. 4.

Scale of market fees.

(7) No market fees shall be imposed by any Municipality higher than those contained in the following scale:—

Upon articles brought to the market place in a vehicle drawn by two horses, upon which fees may be imposed, not more thanten cents.
 Upon articles brought to the market place in a vehicle drawn by one horse, not more thanfive cents.
 Upon articles brought to the market place by hand or in any basket or vessel, not more than .. two cents.
 Upon or in respect of live stock driven to or upon the market place for sale, as follows:—
 Every horse, mare, or gelding, not more than .. ten cents.
 Every head of horned cattle, not more than .. five cents.
 Every sheep, calf, or swine, not more thantwo cents.
 45 V. c. 24, s. 5.

Scale of fees for weighing or measuring.

(8) No fee shall be imposed or levied by any municipality for weighing or measuring greater than as follows:—

For weighing a load of hayfifteen cents.
 For weighing slaughtered meat, or grain, or other articles, exposed for sale, under one hundred poundstwo cents.
 Over one hundred pounds, and up to one thousand poundsfive cents.
 Over one thousand poundsten cents.
 For weighing live animals, other than sheep or pigs, per headthree cents.
 Sheep or pigs, if more than five, per headone cent.
 If less than five, for the lotfour cents.
 For measuring a load of woodfive cents.
 45 V. c. 24, s. 6.

Regulation of sale and traffic.

(9) Subject to the other provisions of this section, the Municipality may regulate the sale by retail in the public streets, or on vacant lots adjacent thereto, of any of the articles herein mentioned,

mentioned, and may regulate traffic in the streets, and prevent the blocking up of the same by vehicles or otherwise. 45 V. c. 24, s. 7.

498. The preceding section shall not apply to any Municipality which shall pass, and so long as it shall keep in force, a by-law providing that the vendors of any articles in respect of which a market fee may under this Act be lawfully imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of any such articles, at any place within the Municipality, excepting only at and upon the market place or places thereof. 45 V. c. 24, s. 8 (1).

Preceding section not to apply where by-law in force allowing sale, except at the market, without payment of fees;

(2) Such by-law may, nevertheless, provide for the imposition and collection of market fees from such vendors of articles in respect of which a market fee may now be imposed, under this Act, as shall voluntarily use the market place for the purpose of selling such articles. 45 V. c. 24, s. 8 (2).

but such by-law may impose fees on persons voluntarily using market;

(3) And such by-law may also provide for the imposition upon and collection of market fees from any person who shall remain, or cause his vehicle to remain upon that part of any street immediately adjoining or surrounding or being within 100 yards of the market place, for the purpose of selling upon such street or streets such articles, so as to obtain the advantages of the said market place, but driving through or across such portions of streets shall not of itself be deemed sufficient ground for the imposition of any fee; but this sub-section shall not apply to grain, seeds, dressed hogs or wool: provided always that where the market fees have been sold or leased in any Municipality for the year 1883 this section shall not come into force in such Municipality until the first day of January, 1884. 45 V. c. 24, s. 8 (3); 46 V. c. 17, s. 1.

and on others taking advantage of market.

(4) But such by-law shall not prevent the sale of any such articles to any person carrying on business and having an actual and bona fide store, shop or other similar place of business, on those portions of the streets in the next preceding sub-section mentioned; nor shall such by-law authorize the imposing or levying of any fee in respect of any article so sold, or of any vehicle in which the same is contained. 45 V. c. 24, s. 8. (4).

By-law not to interfere with sales to persons carrying on business in vicinity of market.

(5) It shall not be lawful for any Municipality passing such by-law to impose a higher tariff or greater fee upon any article or vehicle than was in force or imposed by such Municipality on the first day of March, 1882. 45 V. c. 24, s. 8 (5).

Restriction on fees.

(6) No market fee shall be levied, collected or imposed by any Municipality in respect of any market place or market, or any portion of any such market place or market hereafter established declared or made in, on, or out of any street or part of any street within said Municipality: Provided always that

Fees not to be charged on markets made in streets.

that this sub-section shall not apply to so much of any street as immediately adjoins and abuts upon any market square, either now or hereafter established as a market place. 45 V. c. 24, s. 8 (6).

Preceding section not to apply when no fees are charged.

499. The preceding section shall not apply to any Municipality where no market fees were charged or imposed on the tenth day of March, 1882, but sections 497, 500 and 501 shall apply to such Municipality in the event of market fees being thereafter charged or imposed therein. 45 V. c. 24, s. 9.

Power to regulate sales when no fees are charged.

500. Nothing in the preceding sections contained shall prevent any Municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the Municipality to the same extent as it might do before the tenth day of March, 1882: Provided always that market fees within the meaning of this section shall not include fees for weighing or measuring; Provided further, that after nine o'clock in the forenoon, between the first day of April and the 1st day of November, and after ten o'clock in the forenoon, between the first day of November and the first day of April, no person shall be compelled to remain on, or resort to, any market-place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market-places. 45 V. c. 24, s. 10; 46 V. c. 17, s. 2.

Inconsistent enactments to be of no effect.

501. When and so long as section 497 shall be in force and apply to any Municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such Municipality; and when and so long as section 498 shall be in force in and apply to any Municipality, so much of any Act or law as may be contrary to, and as shall conflict with the same, shall not be in force in or apply to such Municipality. 45 V. c. 24, s. 11.

Right to lease market fees.

502. Subject to the provisions of the five next preceding sections, and notwithstanding anything contained in section 35 of the Municipal Amendment Act of 1881, every Municipality shall hereafter have, and shall be held to have had, since the first day of April, 1882, the power to sell, assign, or lease its market fees. 46 V. c. 17, s. 3.

Market by laws.

503. The Council of every City, Town and incorporated Village may, subject to the restrictions and exceptions contained in the six next preceding sections, also pass by-laws:

Establishing markets.

(1) For establishing markets; R. S. O. c. 174, s. 466 (2). (36 V. c. 48, s. 384 (2).)

Regulating markets.

(2) For regulating all markets established and to be established; the places, however, already established as markets in the

the Municipality, shall continue to be markets, and shall retain all the privileges thereof until otherwise directed by competent authority; and all market reservations or appropriations heretofore made in any such "Municipality shall continue to be vested in the Corporation thereof; R. S. O. c. 174, s. 466 (3).
Old markets continued.

(3) For preventing or regulating the sale by retail in the public streets, or vacant lots adjacent thereto, of any meat, vegetables, grain, hay, fruit, beverages, small-ware, and other articles offered for sale; R. S. O. c. 174, s. 466 (4). (36 V. c. 48, s. 384 (4).)
Regulating vending in streets, etc.

(4) For preventing or regulating the buying and selling of articles or animals exposed for sale or marketed. R. S. O. c. 174, s. 466 (5). (36 V. c. 48, s. 384 (5).)
Regulating sales, etc.

(5) For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, fodder, wood, lumber, shingles, farm produce of every description, small-ware and all other articles exposed for sale, and the fees to be paid therefor; and also for preventing criers and vendors of small-ware from practising their calling in the market place, public streets and vacant lots adjacent thereto. R. S. O. c. 174, s. 466 (6). (36 V. c. 48, s. 384 (6).)
Sale of grain, meat, farm produce, small-ware, etc.

(6) For granting annually, or oftener licenses for the sale of fresh meat in quantities less than by the quarter carcase, and for regulating such sale, and fixing and regulating the places where such sale shall be allowed, and for imposing a license fee not exceeding \$50 in Cities and \$25 in Towns and incorporated Villages to be paid for such license, and for enforcing the payment of the same, and for preventing the sale of fresh meat in quantities less than by the quarter carcase, unless by a person holding a valid license and in a place authorized by the Council, but nothing herein contained shall affect the powers conferred in the preceding sub-section. 42 V. c. 31, s. 20.
Regulating sale of meat.

(7) For preventing the forestalling, regrating or monopoly of market grains, wood, meats, fish, fruits, roots, vegetables, poultry and dairy products, eggs and all articles required for family use, and such as are usually sold in the market; R. S. O. c. 174, s. 466 (7). (36 V. c. 48, s. 384 (7).)
Preventing forestalling, etc.

(8) For preventing and regulating the purchase of such things by hucksters, grocers, butchers or runners; R. S. O. c. 174, s. 466 (8). (36 V. c. 48, s. 384 (8).)
Regulating hucksters, etc.

(9) For regulating the mode of measuring or weighing (as the case may be) of lime, shingles, laths, cordwood, coal and other fuel; R. S. O. c. 174, s. 466 (9). (36 V. c. 48, s. 384 (9).)
Measuring, etc., certain articles.

(10) For imposing penalties for light weight or short count or short measurement in anything marketed; R. S. O. c. 174, s. 466 (10). (36 V. c. 48, s. 384 (10).) See ante, s. 482 (24).
Penalties for light weight, etc.

Regulating
vehicles used
in market
vending.

(11) For regulating all vehicles, vessels, and all other things in which anything is exposed for sale or marketed, and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid; R. S. O. c. 174, s. 466 (11). (36 V. c. 48, s. 384 (11).)

Sale of meat
distrained.

(12) For selling, after six hours' notice, butchers' meat distrained for rent of market stalls; R. S. O. c. 174, s. 466 (13). (36 V. c. 48, s. 384 (13).)

Assize of Bread.

Assize of
bread, etc.

(13) For regulating the assize of bread, and preventing the use of deleterious materials in making bread; and for providing for the seizure and forfeiture of bread made contrary to the by-law; R. S. O. c. 174, s. 466 (12). (36 V. c. 48, s. 384 (12).) *See ante*, s. 482 (24).

DIVISION VI.—POWERS OF COUNCILS OF CITIES AND TOWNS.

Respecting Intelligence Offices. Sec. 504 (1-5).

" *Wooden Buildings. Sec. 504 (6).*

" *Police. Sec. 504 (7, 8).*

" *Industrial Farms—Exhibitions. Sec. 504 (9-11).*

" *Alms-houses—Charities. Sec. 504 (12).*

" *Corporation Surveyor. Sec. 504 (13).*

" *Gas and Water. Secs. 504 (14), 505-508.*

By-laws may
be made for

504. The Council of every City and Town may pass by-laws:—

Intelligence Offices.

Licensing
intelligence
offices.

(1) For licensing suitable persons to keep Intelligence Offices, for registering the names and residences of, and giving information to, or procuring servants for employers in want of domestics or labourers, and for registering the names and residences of, and giving information to, or procuring employment for domestics, servants and other labourers desiring employment, and for fixing the fees to be received by the keepers of such offices; R. S. O. c. 174, s. 467 (1). (36 V. c. 48, s. 385 (1).)

Regulation of.

(2) For the regulation of such Intelligence Offices. R. S. O., c. 174, s. 467 (2). (36 V. c. 48, s. 385 (2).)

Duration of
license.

(3) For limiting the duration of or revoking any such license. R. S. O. c. 174, s. 467 (3). (36 V. c. 48, s. 385 (3).)

Prohibition
without
license.

(4) For prohibiting the opening or keeping of any such Intelligence Office within the Municipality without license. R. S. O. c. 174, s. 467 (4). (36 V. c. 48, s. 385 (4).)

Fees for.

(5) For fixing the fee to be paid for such license, not exceeding \$10 for one year. R. S. O. c. 174, s. 467 (5). (36 V. c. 48, s. 385 (5).) *Wooden*

Wooden Buildings.

- (6) For regulating the erection of buildings, and preventing the erection of wooden buildings, or additions thereto, and wooden fences in specified parts of the City or Town; and also for prohibiting the erection or placing of buildings, other than with main walls of brick, iron or stone, and roofing of combustible material, within defined areas of the City or Town, and for authorizing the pulling down or removal, at the expense of the owner thereof, of any building or erection which may be constructed or placed in contravention of any by-law. R. S. O. c. 174, s. 467 (6). (36 V. c. 48, s. 385 (6).)

Regulating
erection of
buildings and
fences.
Construction
of buildings
within fire
limits.

Police.

- (7) For establishing, regulating and maintaining a police; Police, but subject to the other provisions of this Act. R. S. O. c. 174, s. 467 (7). (36 V. c. 48, s. 385 (7).)

- (8) For aiding and assisting by annual money grant or otherwise, as the Council may deem expedient, the establishment and maintenance of superannuation and benefit funds for the benefit of the members of the police force and fire brigades, and of their families respectively, where police forces and fire brigades are established. 44 V. c. 24, s. 24.

Superannua-
tion and bene-
fit funds for
fire and police
force.

Industrial Farm—Exhibitions.

- (9) For acquiring any estate in landed property within or without the City or Town for an Industrial Farm, or for a public park, garden or walk, or for a place for Exhibitions, and for the disposal thereof when no longer required for the purpose; and for accepting and taking charge of landed property, within or without the City or Town, dedicated for a public park, garden or walk for the use of the inhabitants of the City or Town. R. S. O. c. 174, s. 467 (8). (36 V. c. 48, s. 385 (8).) See also secs. 459, 461 and 496 (44).

Industrial
farms, parks,
etc.

- (10) For the erection thereon of buildings and fences for the purposes of the farm, park, garden, walk or place for Exhibitions as the Council deems necessary. R. S. O. c. 174, s. 467 (9). (36 V. c. 48, s. 385 (9).)

Buildings
thereon.

- (11) For the management of the farm, park, garden, walk or place for Exhibitions and buildings. R. S. O. c. 174, s. 467 same. (10). (36 V. c. 48, s. 385 (10).)

Managing the

Almshouses—Charities.

- (12) For establishing and regulating within the City or Town, or on the Industrial Farm or ground held for public exhibitions, one or more Almshouses or Houses of Refuge for the relief of the destitute, and also for aiding charitable institutions

etc.

tutions within the City or Town. R. S. O. c. 174, s. 467 (11). (36 V. c. 48, s. 385 (11).) *See sec. 482 (12), and as to Work-houses, sec. 461.*

Corporation Surveyor.

Corporation
surveyor.

(13) For appointing any Provincial Land Surveyor to be the Corporation Surveyor. R. S. O. c. 174, s. 467 (12). (36 V. c. 48, s. 385 (12).)

Gas and Water.

Construction
of gas and
water works.

(14) For constructing gas and water works, and for levying an annual special rate to defray the yearly interest of the expenditure therefor, and to form an equal yearly sinking fund for the payment of the principal within a time not exceeding thirty years, nor less than five years. R. S. O. c. 174, s. 467 (16). (36 V. c. 48, s. 385 (17).) *See 45 V. c. 25; 46 V. c. 21.*

505. No by-law under the last sub-section of the preceding section shall be passed—

Estimate to be
published, and
notice of tak-
ing poll on by-
law.

First:—Until estimates of the intended expenditure have been published for one month, and notice of the time appointed for taking a poll of the electors on the proposed by-law has been published for two months, and a copy of the proposed by-law at length as the same may be ultimately passed, and a notice of the day appointed for finally considering the same in Council, have been published for three months, in some newspaper in the Municipality; or if no newspaper is published therein, then in some newspaper in the County in which the Municipality is situate;

Poll to be held
and majority
must be in
favour.

Nor, secondly:—Until at a poll held in the same manner and at the same places, and continued for the same time as at elections for Councillors, a majority of the electors, voting at the poll, vote in favour of the by-law;

By-law to be
passed within
three months.

Nor, thirdly:—Unless the by-law is passed within three months after holding said poll. R. S. O. c. 174, s. 468. (36 V. c. 48, s. 386.)

If by-law
rejected.

506. If the proposed by-law is rejected at such poll, no other by-law for the same purpose shall be submitted to the electors during the current year. R. S. O. c. 174, s. 469. (36 V. c. 48, s. 387.)

Provisions
where there is
water com-
pany incor-
porated for the
municipality.

507. In case there is any Water Company incorporated for the Municipality, the Council shall not levy any water rate until such Council has by by-law fixed a price to offer for the works or stock of the Company; nor until after 50 days have elapsed after notice of such price has been communicated to the Company without the Company's having accepted the same, or having, under the provisions of this

this Act as to arbitrators, named and given notice of an arbitrator to determine the price, nor until the price accepted or awarded has been paid, or has been secured to the satisfaction of the Company. R. S. O. c. 174, s. 470. (36 V. c. 48, s. 388.) See 46 V. c. 21.

508. The foregoing clauses or any of them shall not be construed to apply to or affect the provisions contained in any special Act obtained or to be obtained by any Company or Municipal Corporation. R. S. O. c. 174, s. 471. (36 V. c. 48, s. 389.) Proviso as to provisions in special Acts.

DIVISION VII.—POWERS OF COUNCILS OF TOWNSHIPS, TOWNS AND VILLAGES.

509. The Council of every Township, Town or Village may Drainage.
pass by-laws—

Borrowing Money for Drainage Purposes.

For borrowing money and issuing debentures therefor for 41 V. c. 9; 42 the purposes and subject to the provisions of "The Ontario Tile, V. c. 8; 43 V. Stone and Timber Drainage Acts." c. 6.

DIVISION VIII.—POWERS OF COUNCILS OF TOWNS AND INCORPORATED VILLAGES.

510. The Council of every Town and Incorporated Village may pass by-laws— By-laws may be made for—

Licensing Vehicles, etc.

For regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses and other vehicles for hire; for establishing the rates of fares to be taken by the owners or drivers, and for enforcing payment thereof. R. S. O. c. 174, s. 472. (36 V. c. 48, s. 391.) Regulating and licensing livery stables, cabs, etc.

DIVISION IX.—EXCLUSIVE POWERS OF COUNCILS OF COUNTIES.

Respecting Protection of Booms. Sec. 511 (1).

" *Guaranteeing Debentures. Sec. 511 (2).*

" *Livery Stables, etc. Sec. 512.*

" *Board of Audit—Criminal Justice Account. Secs. 513, 514.*

" *Improvements by either County of a Union. Secs. 515-519.*

" *Support of Destitute Insane Persons. Sec. 520.*

" *Roads and Bridges. See secs. 565, 567.*

By laws may
be made for—

511. The Council of every County may make by-laws—

Protecting Booms.

Protecting
booms.

(1) For protecting and regulating booms on any stream or river for the safe keeping of timber, saw-logs and staves within the Municipality. R. S. O. c. 174, s. 473. (36 V. c. 48, s. 392.)

Guaranteeing Debentures.

Guaranteeing
debentures.

(2) For guaranteeing debentures of any Municipality within the County, as the Council may deem expedient. 43 V. c. 24, s. 25.

Livery Stables, etc.

Regulating
and licensing
livery stables,
etc.

512. The Council of every County, having County gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation, and upon which no toll is collected, shall have power to pass a by-law or by-laws for regulating and licensing the owners of livery stables, and of horses, cabs, carriages, omnibuses, and all other vehicles used or kept for hire; and for issuing and regulating teamsters' licenses; for regulating the width of tire used on such vehicles; for establishing the rates of fare that may be collected or taken by the owners or drivers; for enforcing the payment of such licenses, regulating rates of fares for the conveyance of goods or passengers; and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid County gravel or macadamized roads. R. S. O. c. 174, s. 476. (36 V. c. 48, s. 395.)

Tires,
Rates of fare.

Board of Audit—Criminal Justice, etc.

County boards
of audit.

513. Every County Council shall appoint at its first meeting in each year two persons, not more than one of whom shall belong to such Council, to be members of the Board of Audit, for auditing and approving accounts and demands preferred against the County, the approving and auditing whereof previous to the nineteenth day of December, 1868, belonged to the General Quarter Sessions. R. S. O. c. 174, s. 474. (36 V. c. 48, s. 393.)

Payment of
members of
board.

514. The Council may pay the members of the said Board of Audit any sum not exceeding four dollars each per day for their attendance at such audit, and five cents for each mile necessarily travelled in respect thereof in going to and from such audit. 43 V. c. 24, s. 16.

Improvements by either County of a Union.

Enabling
either county
of a union to

515. The Councils of United Counties may make appropriations and raise funds to enable either County separately to carry

carry on such improvements as may be required by the inhabitants thereof. R. S. O. c. 174, s. 478. (36 V. c. 48, s. 397.)

make improvements therein.

516. Whenever any such measure is brought under the notice of the Council of any United Counties, none but the Reeves and Deputy Reeves of the County to be affected by the measure shall vote; except in case of an equality of votes, when the Warden, whether a Reeve or Deputy Reeve of any portion of the County to be affected by the measure or not, shall have the casting vote. R. S. O. c. 174, s. 479. (36 V. c. 48, s. 398.)

Reeves, etc., of the county interested alone to vote. Exception.

517. In all other respects, all the provisions of this Act giving such privileges and making provision for the payment of the amounts appropriated, whether to be borrowed upon a loan or to be raised by direct taxation, shall be adhered to. R. S. O. c. 174, s. 480. (36 V. c. 48, s. 399.)

Provisions of this Act for repayment to apply.

518. The Treasurer of the United Counties shall pay over all sums so raised and paid into his hands by the several Collectors, without any deduction or percentage. R. S. O. c. 174, s. 481. (36 V. c. 48, s. 400.)

Treasurer to pay over moneys without deduction.

519. The property to be assessed for the purposes contemplated in the four last preceding sections of this Act, shall be the same as the property assessed for any other County purpose, except that any sum to be raised for the purposes of one County only, or for the payment of any debt contracted for the purposes of one County only, shall be assessed and levied solely upon property assessed in that County, and not upon property in any other County united with it, and any debenture that may be issued for such purposes may be issued as the debenture of the said one County only, and shall be as valid and binding upon that County as if that County were a separate Municipality, but such debenture shall be under the seal of the United Counties, and be signed by the Warden thereof. R. S. O. c. 174, s. 482. (36 V. c. 48, s. 401.)

The property to be assessed in such cases.

Support of Destitute Insane Persons.

520. The County Council of each County shall, from time to time, make provision for the whole or partial support of such insane destitute persons as cannot properly be admitted to the provincial asylums, either in the County gaol or some other place within the County, and shall determine the sum to be paid for such support, and also the party or parties to whom such sums shall be paid by the County Treasurer. 43 V. c. 26, s. 1.

County council to make provision for the destitute insane.



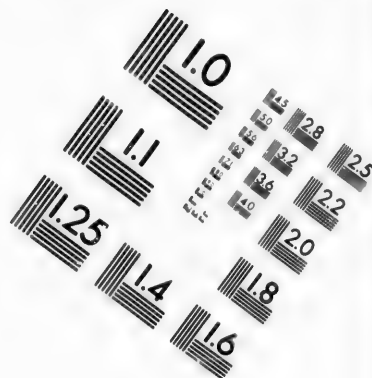
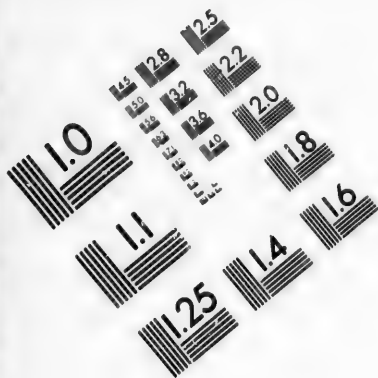
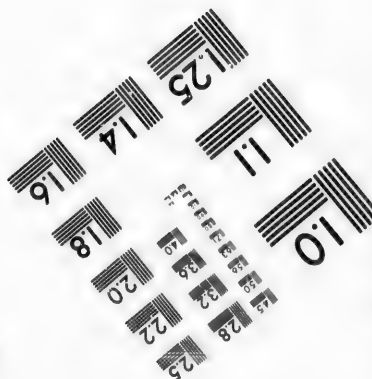
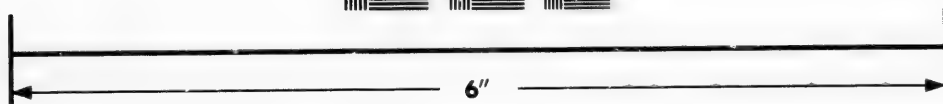
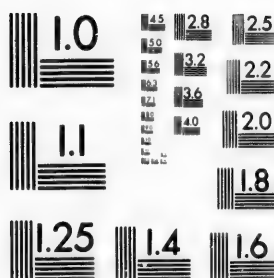


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DIVISION X.—EXCLUSIVE POWERS OF COUNCILS OF
TOWNSHIPS.

Respecting Statute Labour. Sec. 521 (1-6).

“ *Town Halls. Sec. 521 (7, 8).*

“ *Obstructions to Streams and Water-courses.*
Secs. 521 (9-11), 522.

“ *Registration of Plans. Sec. 523.*

“ *Roads and Bridges. See secs. 566-569.*

By-laws may
be made for—

521. The Council of every Township may pass by-laws—

Statute Labour.

Commutation
of statute
labour.

(1) For empowering any person (resident or non-resident) liable to statute labour within the Municipality, to compound for such labour, for any term not exceeding five years, at any sum not exceeding \$1 for each day's labour. R. S. O. c. 174, s. 483 (1). (36 V. c. 48, s. 390 (1).)

Rate of
commutation.

(2) For providing that a sum of money, not exceeding \$1 for each day's labour, may or shall be paid in commutation of such statute labour. R. S. O. c. 174, s. 483 (2). (36 V. c. 48, s. 390 (2).)

Fixing num-
ber of days'
statute labour.

(3) For increasing or reducing the number of days' labour, to which the persons rated on the assessment roll or otherwise shall be liable, in proportion to the statute labour to which such persons are liable in respect of the amounts at which they are assessed, or otherwise respectively. R. S. O. c. 174, s. 483 (3). (36 V. c. 48, s. 390 (3).)

Enforcing
statute labour.

(4) For enforcing the performance of statute labour, or payment of a commutation in money in lieu thereof, when not otherwise provided by law. R. S. O. c. 174, s. 483 (4). (36 V. c. 48, s. 390 (4).)

Regulating
performance,
etc.

(5) For regulating the manner and the divisions in which statute labour or commutation money shall be performed or expended. R. S. O. c. 174, s. 483 (5). (36 V. c. 48, s. 390 (5).) *See 40 V. c. 7, Sched. A (181).*

Reducing or
abolishing.

(6) For reducing the amount of statute labour to be performed by the ratepayers or others within the Municipality, or for entirely abolishing such statute labour. 43 V. c. 27, s. 21.

Town Halls.

Acquiring
land for a
town hall in
a town or
village.

(7) For acquiring lands in any Town or incorporated Village within or partly within the original boundaries of the Township, for the purpose of erecting thereon a Town Hall, or for renting or acquiring a hall, within such Town or Village, for the purpose of a Town Hall. 42 V. c. 31, s. 29.

Township and
other meetings
may be held
and notices

(8) Any Township owning, renting or otherwise acquiring a Town Hall in any such Town or Village may hold at such Town Hall, any meeting, nomination, or election, or post at such

such Town Hall any notice, assessment roll, or voters' list, or do thereat any other act required by law to be held, posted or done in the Township at the Town Hall, and any meeting of any Mutual Insurance Company, or upon the formation thereof, which shall by any statute be held in the Municipality, may lawfully be held in such Hall. 42 V. c. 31, s. 30.

Obstructions to Streams and Water-courses.

(9) For preventing the obstruction of streams, creeks and water-courses, by trees, brushwood, timber or other materials, and for clearing away and removing such obstructions at the expense of the offenders or otherwise;

Preventing
obstruction of
streams, etc.

(10) For levying the amount of such expense in the same manner as taxes are levied;

Levying
expenses.

(11) For imposing penalties on parties causing such obstructions. R. S. O. c. 174, s. 484. (36 V. c. 48, s. 402.)

Penalties.

522. Whenever any stream or creek in any Township is cleared of all logs, brush or other obstructions to the Town line between such Township and any adjoining Township into which such stream or creek flows, the Council of the Township in which the creek or stream has been cleared of obstruction may serve a notice in writing on the head of the Council of the adjoining Township into which the stream or creek flows, requesting such Council to clear such stream or creek through their Municipality; and it shall be the duty of such last-named Council, within six months after the service of the notice as aforesaid, to enforce the removal of all obstructions in such creek or stream within their Municipality, to the satisfaction of any person whom the Council of the County in which the Municipality whose Council served the notice is situate, shall appoint to inspect the same. R. S. O. c. 174, s. 485. (36 V. c. 48, s. 403.)

When stream
in any town-
ship cleared of
obstructions,
notice may be
served on
council of ad-
joining muni-
cipality re-
quiring them
to clear such
stream within
their muni-
cipality.

Registration of Plans.

523. Where land in a Township has been or shall hereafter be sold under surveys or sub-divisions made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under the Acts in that behalf, the Council of the Township may at the written request of the Inspector of Registries, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated Village; and the expenses attending the getting up and filing of such map or plan shall be paid by a special rate, to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the Council for the purpose of levying such rate; and the Municipality shall have the like remedies for the recovery of such expenses as it has for compelling payment of taxes. 42 V. c. 31, s. 35.

Enforcing
registration of
plans of sub-
division of
land in certain
cases.

Expenses of
registration,
etc.

TITLE II.—POWERS AND DUTIES OF COUNCILS AS TO HIGHWAYS AND BRIDGES.

DIV. I.—GENERAL PROVISIONS.

DIV. II.—COUNTIES, TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. III.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. IV.—COUNTY COUNCILS.

DIV. V.—TOWNSHIP COUNCILS.

DIVISION I.—GENERAL PROVISIONS.

Highways defined. Sec. 524.

Freehold in Crown. Sec. 525.

Jurisdiction of Councils. Sec. 526.

Possession in Municipalities. Secs. 527, 528.

Acquiring Roads for Public Avenues. Sec. 528.

Assumption of County Bridges by Villages. Sec. 529.

Liability for Repairs. Secs. 530, 531.

County Roads and Bridges. Secs. 532, 533.

Improving and Maintaining County Roads. Secs. 534, 535.

Maintaining Township Roads. Secs. 536, 537.

Roads under joint Jurisdiction. Secs. 538–540.

Transfer of former Powers of Justices in Sessions to County Councils. Sec. 541.

Roads vested in Her Majesty. Sec. 542.

Roads on Dominion Lands. Sec. 543.

Roads necessary for ingress and egress. Sec. 544.

Width of Roads. Sec. 545.

Notices of By-laws affecting Public Roads. Sec. 546.

Registration of Road By-laws. Sec. 547.

Disputes respecting Roads.—Administration of Oaths. Sec. 548.

Mistakes in opening Road Allowances. Sec. 549.

Highways Defined.

What shall constitute public highways.

524. All allowances made for roads by the Crown Surveyors in any Town, Township or place already laid out, or hereafter laid out; and also all roads laid out by virtue of any statute, or any roads whereon the public money has been expended for opening the same, or whereon the statute labour has been usually performed, or any roads passing through the Indian lands, shall be deemed common and public highways, unless where such roads have been already altered, or may hereafter be altered according to law. R. S. O. c. 174, s. 486. (36 V. c. 48, s. 404.) See R. S. O. c. 146, ss. 49, 50 and 67.

Freehold

Freehold in the Crown.

525. Unless otherwise provided for, the soil and freehold of every highway or road altered, amended or laid out, according to law, shall be vested in Her Majesty, Her Heirs and Successors. R. S. O. c. 174, s. 487. (36 V. c. 48, s. 405.)

Certain highways, etc., vested in the Crown.

Jurisdiction of Municipal Councils.

526. Subject to the exceptions and provisions hereinafter contained, every Municipal Council shall have jurisdiction over the original allowances for roads and highways and bridges within the Municipality. R. S. O. c. 174, s. 488. (36 V. c. 48, s. 406.)

Jurisdiction of councils over roads, etc.

Possession in Municipalities.

527 Every public road, street, bridge or other highway, in a City, Township, Town or incorporated Village, shall be vested in the Municipality, subject to any rights in the soil which the individuals who laid out such road, street, bridge or highway reserved, and except any concession or other road within the City, Township or Town or incorporated Village, taken and held possession of by an individual in lieu of a street, road or highway laid out by him without compensation therefor. R. S. O. c. 174, s. 489. (36 V. c. 48, s. 407.)

Streets in cities, towns and incorporated villages vested in municipalities subject to certain rights.

Acquiring Roads for Public Avenues.

528. The Council of every City and Town may respectively pass by-laws for acquiring and assuming possession of and control over any public highway or road in an adjacent Municipality by and with the consent of such Municipality, the same being signified by a by-law passed for that purpose, for a public avenue or walk ;

Acquiring roads and lands for public avenue or walk.

And for acquiring from the owners of the land adjacent to such highway or road, such land as may be required on either side of such highway or road to increase the width thereof to the extent of 100 feet or less, subject to the provisions of section 486 of this Act. R. S. O. c. 174, s. 490. (36 V. c. 48, s. 408.)

Assumption of County Bridges by Villages.

529. The Councils of every County and incorporated Village may pass by-laws for carrying out any arrangement between them for the assumption by the Village Municipality of any bridge within its limits under the jurisdiction of the County Council, and for such bridge being toll free ; and for the payment by the Village Municipality to the County Municipality of any part of the cost of the construction of such bridge ;

Assumption by villages of bridges under control of county.

After the passing of such by-laws the bridge shall be and remain under the exclusive jurisdiction of the Village Municipality ;

Municipality; and the Village Municipality shall be subject to all the liabilities in the premises, which but for the transfer would have devolved on the County Municipality; and the bridge shall be and remain toll free. 41 V. c. 11, s. 1.

Liability for Repairs.

Approaches to bridges.

530. The approaches for 100 feet to and next adjoining each end of all bridges belonging to, assumed by, or under the jurisdiction of any Municipality or Municipalities, shall be kept up and maintained by such Municipality or Municipalities: the remaining portion or portions of such approaches shall be kept up and maintained by the local Municipalities in which they are situate. 43 V. c. 24, s. 18.

Liability for repair of public roads, etc.

531. Every public road, street, bridge and highway shall be kept in repair by the Corporation, and on default of the Corporation so to keep in repair, the Corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default, but the action must be brought within three months after the damages have been sustained:

Limitation of actions.

To what roads applicable.

(2) This section shall not apply to any road, street, bridge or highway laid out by any private person, and the Corporation shall not be liable to keep in repair any such last-mentioned road, street, bridge or highway, until established by by-law of the Corporation, or otherwise assumed for public use by such Corporation. R. S. O. c. 174, s. 491. (36 V. c. 48, s. 409.) - *See also S of O - 1887 Chap 29 sec 33*

[By sections 1 and 3 of C. S. C. c. 85, it is provided that:—

Use of public roads in cities and towns vested in the municipality.

1. The right to use as public highway all roads, streets and public highways within the limits of any City or incorporated Town in this Province, shall be vested in the Municipal Corporation of such City or incorporated Town, (except in so far as the right of property or other right in the land occupied by such highways have been expressly reserved by some private party when first used as such roads, street or highway, and except as to any concession road or side road within the City or Town where the persons now in possession or those under whom they claim have laid out streets in such City or Town without any compensation therefor in lieu of such concession or side road. 13, 14 V. c. 15, s. 1.

Consequences of neglect.

3. If the Municipal Corporation of any such City or incorporated Town fail to keep in repair any such road, street or highway within the limits thereof, such default shall be a misdemeanor for which such Corporation shall be punished by fine in the discretion of the Court before whom the conviction is had. 13, 14 V. c. 15, s. 1.]

County Roads and Bridges.

Jurisdiction of county councils over roads and bridges.

532. The County Council shall have exclusive jurisdiction over all roads and bridges lying within any Township, Town or Village of the County, and which the Council by by-law assumes with the assent of such Township, Town or Village Municipality as a County road, or bridge, until the by-law has been

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been repealed by the Council, and over all bridges across streams separating two Townships in the County, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated Village in the County, and connecting any highway leading through the County, and over all bridges over rivers forming or crossing boundary lines between two Municipalities. R. S. O. c. 174, s. 492. (37 V. c. 16, ss. 17 and 19; 39 V. c. 7, s. 2, *Sched. B.*)

533. Any County Council may assume, make and maintain any Township or County boundary line at the expense of the County, or may grant such sum or sums from time to time for the said purposes as they may deem expedient. R. S. O. c. 174, s. 493. (36 V. c. 48, s. 411.)

Boundary lines may be maintained by county.

As to Improving and Maintaining County Roads.

534. When a County Council assumes, by by-law, any road or bridge within a Township as a County road or bridge, the Council shall, with as little delay as reasonably may be and at the expense of the County, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further the County Council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated Village in the County, necessary to connect any public highway leading through the County. R. S. O. c. 174, s. 494. (37 V. c. 16, s. 18.)

Roads or bridges assumed by county councils.

Maintenance of certain bridges in villages.

535. It shall be the duty of County Councils to erect and maintain bridges over rivers, forming or crossing boundary lines between two Municipalities (other than in the case of a City or separated Town) within the County; and in case of a bridge over a river forming or crossing a boundary line between two Counties, or a County and a City, such bridge shall be erected and maintained by the Councils of the Counties or County and City respectively; and in case the Councils of such County and City, or the Councils of such Counties, fail to agree on the respective portions of the expense to be borne by the several Municipalities, it shall be the duty of each Council to appoint arbitrators, as provided by this Act, to determine the amount to be so expended, and the award made shall be final. R. S. O. c. 174, s. 495. (37 V. c. 16, s. 19.)

Bridges between municipalities.

Differences to be settled by arbitration

Maintaining Township Roads.

536. All Township boundary lines not assumed by the County Council shall be opened, maintained and improved by the Township Councils, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two Municipalities. R. S. O. c. 174, s. 496. (See 36 V. c. 48, s. 414, and 37 V. c. 16, s. 19.)

Boundary lines not assumed by county council.

Township boundaries being also county boundaries.

537. Township boundary lines forming also the County boundary lines, and not assumed or maintained by the respective Counties interested, shall be maintained by the respective Townships bordering on the same, except where it is necessary to erect or maintain bridges over rivers forming or crossing boundary lines between two Municipalities. R. S. O. c. 174, s. 497. (36 V. c. 48, s. 415; 37 V. c. 16, s. 19.)

Roads under Joint Jurisdiction.

Joint jurisdiction over certain roads.

538. In case a road lies wholly or partly between a County, City, Town, Township or incorporated Village, and an adjoining County or Counties, City, Town, Township or incorporated Village, the Councils of the Municipalities between which the road lies shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly or in part within one or either of them; and the said road shall not include a bridge over a river forming or crossing the boundary line between two Municipalities, other than Counties. R. S. O. c. 174, s. 498; 45 V. c. 23, s. 13. (36 V. c. 48, s. 416.)

Both councils must concur in by-laws respecting them.

539. No by-law of the Council of any one of such Municipalities with respect to any such last mentioned road or bridge, shall have any force until a by-law has been passed in similar terms, as nearly as may be, by the other Council or Councils having joint jurisdiction in the premises. R. S. O. c. 174, s. 499. (36 V. c. 48, s. 417.)

Arbitration if they do not concur.

540. In case the other Council or Councils, for six months after notice of the by-law, omit to pass a by-law or by-laws in similar terms, the duty and liabilities of each Municipality in respect to the road or bridge shall be referred to arbitration under the provisions of this Act. R. S. O. c. 174, s. 500. (36 V. c. 48, s. 418.)

Transfer of former Powers of Justices in Sessions to County Councils.

Certain powers of justices in sessions transferred to county councils.

541. All powers, duties and liabilities which at any time before the first day of January, 1850, belonged to the Magistrates in Quarter Sessions, with respect to any particular road or bridge in a County, and are not conferred or imposed upon any other Municipal Corporation, shall belong to the Council of the County, or in case the road or bridge lies in two or more Counties, to the Councils of such Counties; and the neglect and disobedience of any regulations or directions made by such Council or Councils shall subject the offenders to the same penalties and other consequences as the neglect or disobedience of the like regulations of the Magistrates would have subjected them to. R. S. O. c. 174, s. 501. (36 V. c. 48, s. 419.)

Roads

Roads vested in Her Majesty.

542. No Council shall interfere with any public road or bridge vested as a Provincial work in Her Majesty, or in any public Department or Board, and the Lieutenant-Governor shall by Order in Council have the same powers as to such road and bridge as are by this Act conferred on Municipal Councils with respect to other roads and bridges; but the Lieutenant-Governor may by proclamation declare any public road or bridge under the control of the Commissioner of Public Works, to be no longer under his control, and in that case, after a day named in the proclamation, the road or bridge shall cease to be under the control of the Commissioner, and no tolls shall be thereafter levied thereon by him, and the road or bridge shall thenceforth be controlled and kept in repair by the Council of the Municipality. R. S. O. c. 174, s. 502. (36 V. c. 48, s. 420.)

Roads, etc., provincial works vested in her Majesty, etc., not to be interfered with.

Proclamation by Lieut.-Gov. as to roads, etc., under control of Commissioner of Public Works.

Roads on Dominion Lands.

543. No Council shall pass any by-law

(1) For stopping up or altering the direction or alignment of any street, lane or thoroughfare made or laid out by Her Majesty's Ordinance, or the Principal Secretary of State in whom the Ordinance Estates became vested under the Statute of the Province of Canada passed in the nineteenth year of Her Majesty's reign, chapter forty-five, or the Consolidated Statute of Canada, chapter twenty-four, respecting the Ordinance and Admiralty lands, or by the Dominion of Canada; or

Ordinance roads, lands, etc.

19 V. c. 45;
Con. Stat.
Can. c. 24.
See 40 V. c. 8 (D.).

(2) For opening any such communication through any lands held by the Dominion of Canada; or

Dominion lands,

(3) Interfering with any bridge, wharf, dock, quay or other work vested in the Dominion of Canada; or

Bridges, etc.

(4) Interfering with any land reserved for military purposes, or with the integrity of the public defences, without the consent of the Government of the Dominion of Canada; and a by-law for any of the purposes aforesaid shall be void unless it recites such consent. R. S. O. c. 174, s. 503. (36 V. c. 48, s. 421.)

Military lands,

Not to be interfered with without consent of Dominion.

Roads necessary for Ingress and Egress.

544. No Council shall close up any public road or highway, whether an original allowance or a road opened by the Quarter Sessions or any Municipal Council, or otherwise legally established, whereby any person will be excluded from ingress and egress to and from his lands or place of residence over such road, unless the Council, in addition to compensation, also provides for the use of such person some other convenient road or way of access to the said lands or residence. R. S. O. c. 174, s. 504. (36 V. c. 48, s. 422.)

Council not to close road required by individuals for ingress, egress, etc.

Proviso.

Width

Width of Roads.

Width of
roads.

545. No Council shall lay out any road or street more than 100 nor less than 66 feet in width, except where an existing road or street is widened, or unless with the permission of the Council of the County in which the Municipality is situate; but any road, when altered, may be of the same width as formerly, and no highway or street shall be laid out by any owner of land of a less width than 66 feet, without the consent of the Council of the Municipality. R. S. O. c. 174, s. 505. (36 V. c. 48 s. 423.)

Notices of By-laws affecting Public Roads.

Conditions
precedent to
passing by-
laws, intended
to affect pub-
lic roads.

546. No Council shall pass a by-law for stopping up, altering, widening, diverting or selling any original allowance for road, or for establishing, opening, stopping up, altering, widening, diverting or selling any other public highway, road, street or lane;

Notice to be
posted up,

(1) Until written or printed notices of the intended by-law have been posted up one month previously in six of the most public places in the immediate neighbourhood of such original allowance for road, street or other highway, road, street or lane;

And published
in a news-
paper.

(2) And published weekly for at least four successive weeks in some newspaper (if there be any) published in the Municipality; or if there be no such newspaper, then in a newspaper published in some neighbouring Municipality; and, in either case, in the County Town, if any such there be;

Parties pre-
judicially af-
fected to be
heard.

(3) Nor until the Council has heard, in person or by counsel or attorney, any one whose land might be prejudicially affected thereby, and who petitions to be so heard;

Clerk to give
the notices on
payment of
expenses.

(4) And the Clerk shall give such notices, at the request of the applicant for the by-law, upon payment of the reasonable expenses attendant on such notices. R. S. O. c. 174, s. 506. (36 V. c. 48, s. 424.)

see also s. 7 of 1887- cap 29 sec 37.

Registration of Road By-laws.

By-laws under
which roads
are opened on
private pro-
perty to be
registered.

547. Every by-law passed since the twenty-ninth day of March, 1873, or hereafter to be passed by any Municipal Council under the authority of which any street, road or highway has been or is opened upon any private property, shall, before the same becomes effectual in law, be duly registered in the Registry Office of the County or other Registration Division in which the land is situate; and for the purpose of registration a duplicate original of such by-law shall be made out, certified under the hand of the Clerk and the seal of the Municipality, and shall be registered without any further proof.

As to by-laws
already
passed.

(2) Every by-law passed before the said day, and every order and resolution of the Quarter or General Sessions, passed before

before said day, under the authority of which any street, road or highway has already been opened upon any private property, may, at the election of any party interested, and at the cost and charges of such party or Municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of the by-law under the hand of the Clerk of the Municipality and the seal of such Municipality, or by a duly certified copy of such order or resolution of such Quarter or General Sessions, given under the hand of the Clerk of the Peace, as the case may be. R. S. O. c. 174, s. 507. (36 V. c. 48, s. 445.) See also R. S. O. c. 111, s. 73.

Disputes respecting Roads.—Administration of Oaths.

548. In case of disputes in any Municipality concerning roads, allowances for roads, side lines, boundaries or concessions, within the cognizance of and in the course of investigation before a Municipal Council, the head of the Council may administer an oath or affirmation to any party or witness examined upon the matters in dispute. R. S. O. c. 174, s. 508. (36 V. c. 48, s. 446.)

Power to administer oaths in certain cases.

Mistakes in Opening Road Allowances.

549. In case it appears that any Municipality in whose jurisdiction an original road, or allowance for road is situate, shall open that which they take and believe to be the true site of the same, and in case the Municipality, their officers and servants, shall act in good faith, and shall take all reasonable means to inform themselves of the correctness of their line and work, and in case it appears that the road being opened, although not or not altogether upon the true line of the original road, or allowance for road, is nevertheless, from any difficulty in discovering correctly the true line, as near to or as nearly upon the true line as under the circumstances could then be ascertained, no action shall be brought by any person against the Municipality, their officers or servants, for or in respect of the opening of such road, or allowance for road, or for any other act or matter whatsoever connected with or arising from the same. 44 V. c. 24, s. 15.

Municipality and officers thereof protected from actions arising from mistakes in opening road allowances.

(2) The Municipality shall, however, in any case respecting the opening of an original road, or road allowance, make to any person having title to or interest in the same, reasonable compensation in full of all claims, and as a final settlement of the same: Provided the claims for such compensation shall be made within one year from the time of the laying out or taking possession of such road by the Municipality or its officers, or the part thereof in respect of which compensation is claimed, and in the event of the parties not agreeing as to the amount or terms of such compensation, the same shall be ascertained and the payment thereof enforced, under the provisions of this Act relating to arbitrations. 44 V. c. 24, s. 16.

Municipality to make compensation.

Proviso.

DIVISION II.—POWERS OF COUNTIES, TOWNSHIPS, CITIES, TOWNS,
AND INCORPORATED VILLAGES IN RELATION TO ROADS
AND BRIDGES.

General Powers. Sec. 550 (1).

Respecting Tolls. Sec. 550 (3-5).

" *Timber, Stone, etc., on Road Allowances. Sec. 550 (6).*

" *Privileges to Road or Bridge Companies. Sec. 550 (7).*

" *Procuring Materials for Constructing or Repairing Roads. Sec. 550 (8).*

" *Road Allowances. Secs. 550 (9), 551-553.*

" *Aid to adjoining Municipalities in Making Roads or Bridges. Sec. 554.*

By-laws may
be made for—

550. The Council of every County, Township, City, Town and incorporated Village may pass by-laws—

General Powers.

Opening or
stopping up
roads, etc.

(1) For opening, making, preserving, improving, repairing, widening, altering, diverting or stopping up roads, streets, squares, alleys, lanes, bridges, or other public communications within the jurisdiction of the Council, and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions in this Act contained; and for preventing and removing any obstruction upon any roads or bridges within its jurisdiction, and also for permitting sub-ways for cattle under any highway; R. S. O. c. 174, s. 509 (1). (36 V. c. 48, s. 425 (1).)

Roads across
railway lands.

(2) For establishing, opening, making, preserving, improving, maintaining, widening, enlarging, altering, diverting or stopping up, within the limits of the municipality, any highway through, over, across, under, along, or upon the railway and lands of any railway company, and for entering upon, breaking up, taking or using any such land in any way necessary or convenient for the said purpose; but subject to the provisions contained in "*The Railway, Streets and Drains Act, 1882*," and provided that such highway is within the jurisdiction of the Council; 45 V. c. 21, s. 4.

Tolls.

Raising money
by toll.

(3) For raising money by toll on any bridge, road or other work, to defray the expense of making or repairing the same; R. S. O. c. 174, s. 509 (2). (36 V. c. 48, s. 425 (2).)

Making regu-
lations as to
dangerous
places.

(4) For making regulations as to pits, precipices and deep waters, and other places dangerous to travellers; R. S. O. c. 174, s. 509 (3). (36 V. c. 48, s. 425 (3).)

(5)

(5) For granting to any person, in consideration or part consideration of planking, gravelling or macadamizing a road, or of building a bridge, the tolls fixed by by-law to be levied on the work for a period of not more than 21 years after the work has been completed, and after such completion has been declared by a by-law of the Council authorizing tolls to be collected; and the grantee of such tolls shall, during the period of his right thereto, maintain the road or bridge in repair; R. S. O. c. 174, s. 509 (6). (36 V. c. 48, s. 425 (6).)

Timber, Stone, etc., on Road Allowances.

(6) For preserving or selling timber, trees, stone, sand or gravel, on any allowance or appropriation for a public road; but this shall be subject to the provisions of "The Act respecting the Sale and Management of Timber on Public Lands" relative to Government road allowances and the granting of Crown timber licenses; R. S. O. c. 174, s. 509 (4). (36 V. c. 48, s. 425 (4).)

Granting Privileges to Road or Bridge Companies.

(7) For regulating the manner of granting to Road or Bridge Companies permission to commence or proceed with roads or bridges within its jurisdiction, and for regulating the manner of ascertaining and declaring the completion of the work so as to entitle such Companies to levy tolls thereon, and for regulating the manner of making the examinations necessary for the proper exercise of these powers by the Council; R. S. O. c. 174, s. 509 (5). (36 V. c. 48, s. 425 (5).) See also R. S. O. c. 152.

Procuring Materials for Constructing or Repairing.

(8) For searching for and taking such timber, gravel, stone or other material or materials as may be necessary for making and keeping in repair any road or highway belonging to any such Municipality; and the right of entry upon such lands as well as the price or damage to be paid to any person for such materials, shall, if not agreed upon by the parties concerned, be settled by arbitration in the manner provided by this Act; R. S. O. c. 174, s. 509 (7). (36 V. c. 48, s. 425 (7).)

Selling Road Allowances.

(9) For selling the original road allowance, to the parties next adjoining whose lands the same is situated, when a public road has been opened in lieu of the original road allowance, and for the site or line of which compensation has been paid, and for selling in like manner to the owners of any adjoining land any road legally stopped up or altered by the Council; and in case such parties respectively refuse to become the purchasers at such price as the Council thinks reasonable, then for

Aiding in making Roads and Bridges.

554. The Council of any Municipality may pass by-laws for granting aid to any adjoining Municipality in making, opening, maintaining, widening, raising, lowering, or otherwise improving any highway, road, street, bridge, or communication passing from or through an adjoining Municipality. R. S. O. c. 174, s. 513. (36 V. c. 48, s. 429.)

By-laws to aid adjoining municipality to open roads, etc.

DIVISION III.—POWERS OF TOWNSHIPS, CITIES, TOWNS, AND VILLAGES IN RELATION TO ROADS AND BRIDGES.

Aiding Counties in opening New Roads. Sec. 555 (1).

Joint works with other Municipalities. Sec. 555 (2).

Repair of Township Roads, how enforced. Secs. 556-564.

555. The Council of every Township, City, Town and incorporated Village may pass by-laws—

By-laws may be made for—

New Roads.

(1) For granting to the County or United Counties in which such Municipality lies, aid, by loan or otherwise, towards opening or making any new road or bridge on the bounds of such Municipality;

Aiding counties in making roads and bridges.

Joint Works with other Municipalities.

(2) For entering into and performing any arrangement with any other Council in the same County or United Counties for executing, at their joint expense and for their joint benefit, any work within the jurisdiction of the Council; R. S. O. c. 174, s. 514. (36 V. c. 48, s. 430.)

Joint works with other municipalities.

Repair of Township Roads—how Enforced.

556. Whenever Township Councils fail to maintain Township boundary lines not assumed by the County Council, in the same way as other Township roads, by mutual agreement as to the share to be borne by each, it shall be competent for one or more of such Councils to apply to the County Council to enforce joint action on all Township Councils interested. R. S. O. c. 174, s. 515. (36 V. c. 48, s. 431.)

Township council failing to perform their duty.

557. In cases where all the Township Councils interested neglect or refuse to open up and repair such lines of road in a manner similar to the other local roads, it shall be competent for a majority of the ratepayers resident on the lots bordering on either or both sides of such line to petition the County Council to enforce the opening up or repair of such lines of road by the Township Councils interested. R. S. O. c. 174, s. 516. (36 V. c. 48, s. 432.)

Resident rate-payers may petition county council to enforce opening up of road.

Action by
county council
on petition.

558. A County Council receiving such petition, either from Township Councils or from ratepayers, as in the preceding section mentioned, may consider and act upon the same at the session at which the petition is presented. R. S. O. c. 174, s. 517. (36 V. c. 48, s. 433.)

Amount, etc.,
to be furnished
by each town-
ship.

559. The County Council may determine upon the amount which each Township Council interested shall be required, to apply for the opening or repairing of such lines of road, or to direct the expenditure of a certain portion of statute labour, or both, as may seem necessary to make the said lines of road equal to other roads. R. S. O. c. 174, s. 518. (36 V. c. 48, s. 434.)

Commission-
ers to enforce
order of coun-
ty council as
to such roads.

560. It shall be the duty of the County Council to appoint a Commissioner or Commissioners to execute and enforce their orders or by-laws relative to such roads. If the representatives of any or all of the Townships interested intimate to the Council or to the Commissioner or Commissioners so appointed, their intention to execute the work themselves, then such Commissioner or Commissioners shall delay proceedings for a reasonable time; but if the work is not proceeded with during the favourable season by the Township officers, then the Commissioners shall undertake and finish it themselves. R. S. O. c. 174, s. 519. (36 V. c. 48, s. 435.)

Proviso.

Sums deter-
mined upon to
be paid by
townships.

561. Any sum of money so determined upon by the County Council as the portion to be paid by the respective Townships, shall be paid by the County Treasurer on the order of the Commissioner or Commissioners, and the amount retained out of any money in his hands belonging to such Township; but if there are not at any time before the striking of a County rate any such moneys belonging to such Township in the Treasurer's hands, an additional rate shall be levied by the County Council against such Township sufficient to cover such advances. R. S. O. c. 174, s. 520. (36 V. c. 48, s. 436.)

When the
several town-
ships interest-
ed cannot
agree.
Wardens to be
arbitrators.

562. Whenever the several Townships interested in the whole or part of any County boundary line road are unable mutually to agree as to their joint action in opening or maintaining such line road, or portion thereof, one or more of such Township Councils may apply to the Wardens of the bordering Counties to determine jointly the amount which each Township shall be required to expend either in money or statute labour, or both, and the mode of expenditure on such road; the County Judge of the County in which the Township first making the application is situate shall in all cases be the third arbitrator. R. S. O. c. 174, s. 521. (36 V. c. 48, s. 437.)

County judge
also.

Meeting of
wardens.

563. It shall be the duty of the Wardens of the Counties interested to meet within 21 days from the time of receiving such

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such application for the determination of the matter in dispute. The Warden of the County in which the Township first making the application is situated, shall be the convener of the meeting; and it shall be his duty to notify the Warden of the other County and County Judge of the time and place of meeting, within 8 days of the time of his receiving such application. R. S. O. c. 174, s. 522. (36 V. c. 48, s. 438.)

Who to convene, etc.

564. At such meeting the Wardens and County Judge, or any two of them, shall determine on the share to be borne by the respective Townships, of the amount required on the part or parts to be opened or repaired by each or both, and shall appoint a Commissioner or Commissioners to superintend such work, and it shall be the duty of the Township Treasurer to pay the orders of such Commissioners to the extent of the sum apportioned to each; and pathmasters controlling the statute labour on the lots adjoining such line, on the portion of such line to be opened or repaired, shall obey the orders of such Commissioner or Commissioners in performing the statute labour unexpended. R. S. O. c. 174, s. 523. (36 V. c. 48, s. 439.)

What the wardens and county judge shall determine, etc.

DIVISION IV.—POWERS OF COUNTY COUNCILS IN RELATION TO ROADS AND BRIDGES.

Respecting the closing of Road Allowances. Sec. 565 (1).

“ *the Opening and altering of Roads. Sec. 565 (2).*

“ *Trees obstructing Highways. Sec. 565 (3).*

“ *Double Tracks in Snow Roads. Sec. 565 (4).*

“ *Aid to Townships. Sec. 565 (5).*

“ *Repair of County roads in local Municipalities. Sec. 565 (6).*

“ *Mineral rights on Roads. See sec. 567.*

565. The Council of every County shall have power to pass By-laws for—by-laws for the following purposes:—

Closing Road Allowances.

(1) For stopping up, or stopping up and sale, of any original allowance for roads or parts thereof within the County, which is subject to the sole jurisdiction and control of the Council, and not being within the limits of any Village, Town or City within or adjoining the County; but the by-law for this purpose shall be subject to section 546 of this Act; R. S. O. c. 174, s. 524 (1). (36 V. c. 48, s. 440 (1).)

Disposing of original allowance for roads in certain cases.

Opening and Altering Roads.

(2) For opening, making, preserving, improving, repairing, widening, altering, diverting and stopping up roads, streets, squares, alleys, lanes, bridges or other public communications, running

Opening, etc., roads etc., within or between several

municipali-
ties.

running or being within one or more Townships, or between two or more Townships of the County; or any bridge required to be built or made across any river over 100 feet in width within any incorporated Village in the County connecting any public highway leading through the County, and which is in continuation of a County road, or between the County and any adjoining County or City or separated Town, or on the bounds of any Town or incorporated Village, within the boundaries of the County, as the interests of the inhabitants of the County, in the opinion of the Council, require to be so opened, made, preserved and improved; and for entering upon, breaking up, taking or using any land in any way necessary or convenient for the said purposes, subject to the restrictions herein contained; R. S. O. c. 174, s. 524 (2). (36 V. c. 48, s. 440 (2).) See 37 V. c. 16, s. 17.

Trees obstructing Highways.

May direct the
trees to be
cleared on each
side of high-
ways.

(3) For directing that, on each and either side of a highway, under the jurisdiction of the Council passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding 25 feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, in his default, by the County Surveyor or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the Council may further pay such expenses out of County funds; R. S. O. c. 174, s. 524 (3). (36 V. c. 48, s. 440 (3).)

Double Tracks in Snow Roads.

Double tracks
in snow roads.

(4) For providing for the making and keeping open of double tracks in snow roads, according to the provisions of "*The Act respecting Double Tracks in Snow Roads*"; R. S. O. c. 174, s. 524 (4). (36 V. c. 46, s. 1.)

Aiding Townships, etc.

For aiding the
making of
roads and
bridges.

Guaranteeing
debentures of
local municipa-
lities.

(5) For granting to any Town, Township or incorporated Village in the County, aid by loan or otherwise towards opening or making any new road or bridge in the Town, Township or Village, in cases where the Council deems the County at large sufficiently interested in the work to justify such assistance, but not sufficiently interested to justify the Council in at once assuming the same as a County work, and also for guaranteeing the debentures of any Municipality within the County, as the Council may deem expedient; R. S. O. c. 174, s. 524 (5). (36 V. c. 48, s. 440 (4).)

Repair

Repair of County Roads in Local Municipalities.

(6) For requiring that the whole or any part of any County road within any local Municipality shall be opened, improved and maintained by such local Municipality. R. S. O. c. 174, s. 524 (6). (36 V. c. 48, s. 440 (5).)

Opening roads in local municipalities.

DIVISION V.—POWERS OF TOWNSHIP COUNCILS IN RELATION TO ROADS AND BRIDGES.

Aiding Counties. Sec. 566 (1).

Closing Road Allowances. Sec. 566 (2).

Trees obstructing Highways. Sec. 566 (3).

Footpaths. Sec. 566 (4).

Sale or lease of Minerals on or under Roads. Sec. 567.

Sale of Roads in Villages and Hamlets. Secs. 568, 569.

566. The Council of every Township may pass by-laws— By-laws for—

Aiding Counties.

(1) For granting to any adjoining County aid in making, opening, maintaining, widening, raising, lowering or otherwise improving any highway, road, street, bridge or communication lying between the Township and any other Municipality, and for granting like aid to the County in which the Township lies in respect of any highway, road, street, bridge or communication within the Township assumed by the County as a County work, or agreed to be so assumed on condition of such grant; R. S. O. c. 174, s. 525 (1). (36 V. c. 48, s. 441 (1).)

Aiding adjoining county in making roads, etc., and granting aid to county for roads assumed by county.

Closing Road Allowances.

(2) For the stopping up, leasing or sale of any original allowance for road or any part thereof within the Municipality, and for fixing and declaring therein the terms upon which the same is to be leased, sold and conveyed;

Stopping up, leasing or sale of original road allowance.

But no such by-law shall have any force—

Proviso.

(a) Unless passed in accordance with section 546 of this Act, nor

b) Until confirmed by a by-law of the Council of the County in which the Township is situate, at an ordinary session of the County Council, held not sooner than three months nor later than one year next after the passing thereof; R. S. O. c. 174, s. 525 (2); 44 V. c. 24, s. 17. (36 V. c. 48, s. 441 (2).)

Trees

Trees obstructing Highways.

Ordering trees
to be cut down
on each side of
a road.

(3) For directing that, on each or either side of a highway under the jurisdiction of the Council passing through a wood, the trees (unless such as are reserved by the owner for ornament or shelter) shall, for a space not exceeding 25 feet on each side of the highway, be cut down and removed by the proprietor within a time appointed by the by-law, or, on his default, by the Overseer of Highways, or other officer in whose division the land lies; and, in the latter case, for authorizing the trees to be used by the Overseer or other officer for any purpose connected with the improvement of the highways and bridges in his division, or to be sold by him to defray the expenses of carrying the by-law into effect; and the Council may grant out of Township funds any money that may be necessary to pay for cutting down and removing such trees; R. S. O. c. 174, s. 525 (3). (36 V. c. 48, s. 441 (3).)

Footpaths.

Footpaths.

(4) For setting apart so much of any highway as the Council may deem necessary for the purposes of a footpath, and for imposing penalties on persons travelling thereon on horseback or in vehicles. R. S. O. c. 174, s. 525 (4). (36 V. c. 48, s. 441 (4).)

Sale or Lease of Minerals on or under Roads.

Sale or lease of
mineral rights
under roads.

567. The Corporation of any Township or County, wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon or under any roads over which said Township or County may have jurisdiction, if considered expedient so to do.

No sale or
lease till after
notice.

(2) No such sale or lease shall take place until after due notice of such intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month previous to the time fixed for considering such by-law.

Sale or lease
not to interfere
with
public travel.

(3) The deed of conveyance or lease to the purchaser or purchasers, lessee or lessees, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel. R. S. O. c. 174, s. 526; 44 V. c. 24, ss. 18-20. (36 V. c. 48, s. 442.)

Sale of Roads in Villages or Hamlets.

When roads in
police villages
and certain
hamlets may
be stopped up,
sold, etc., by
township
council.

568. In case the Trustees of any Police Village, or 15 of the inhabitant householders of any other unincorporated Village or hamlet consisting of not less than 20 dwelling houses standing within an area of 200 acres, petition the Council of the Township in which the Village or hamlet is situate, and in case the petition of such unincorporated Village

or

or hamlet, not being a Police Village, is accompanied by a certificate from the Registrar of the County within which the Township lies, that a plan of the Village or hamlet has been duly deposited in his office according to the registry laws, the Council may pass a by-law to stop up, sell and convey, or otherwise deal with any original allowance for road lying within the limits of the Village or hamlet, as the same shall be laid down on the plan, but subject to all the restrictions contained in this Act with reference to the sale of original allowances. R. S. O. c. 174, s. 527. (36 V. c. 48, s. 443.)

569. The last section shall apply to a Village or hamlet situate in two Townships, whether such Townships are in the same or different Counties, and in such case the Council of each of the Townships shall have the power thereby conferred, as to any original allowance for road lying within that part of the Village or hamlet which, according to the registered plan, is situate within such Township. R. S. O. c. 174, s. 528. (36 V. c. 48, s. 444.)

When village is partly in each of two townships.

TITLE III.—POWERS OF MUNICIPAL COUNCILS AS TO DRAINAGE AND OTHER IMPROVEMENTS PAID FOR BY LOCAL RATE.

DIV. I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

DIV. II.—CITIES, TOWNS AND VILLAGES.

DIV. III.—COUNTIES.

DIV. IV.—TOWNSHIPS.

DIVISION I.—TOWNSHIPS, CITIES, TOWNS AND VILLAGES.

Local drainage by-laws, and fund for. Secs. 570, 571.

Complaints respecting assessments, how tried. Sec. 570 (10-15).

Quashing by-laws, limitations respecting. Secs. 572-575.

Extension of works to other Municipalities. Sec. 576.

Mode of apportioning cost. Secs. 577-583.

Who to keep in repair. Secs. 584-590.

Damage done by works. Secs. 591, 592.

Drainage by private persons. Sec. 593.

Earth may be spread on road. Secs. 594, 595.

Construction of ditch on town line between two Municipalities. Secs. 596, 597.

Construction of works affecting several Municipalities in same County. Secs. 598, 599.

Construction of works affecting several Municipalities in different Counties—Procedure. Secs. 600-611.

Municipal
councils may
pass by-laws
for deepening
streams, etc.,
drainage, etc.

Examination
by engineer.

Plans and
estimates.

For deepening
streams, etc.

For borrowing
requisite
funds, etc.

Payment of
interest on
debentures,
how made.

Levying rate
for payment.

570. In case the majority in number of the persons, as shown by the last revised assessment roll, to be the owners (whether resident or non-resident) of the property to be benefited in any part of any Township, City, Town or incorporated Village, petition the Council for the deepening or straightening of any stream, creek, or water-course, or for draining of the property (describing it), or for the removal of any obstruction which prevents the free flow of the waters of any stream, creek or water-course, as aforesaid, or for the lowering of the waters of any lake or pond, for the purpose of reclaiming flooded land or more easily draining any lands, the Council may procure an Engineer or Provincial Land Surveyor to make an examination of the stream, creek, or water-course proposed to be deepened or straightened, or from which it is proposed to remove obstructions, or of the lake or pond, the waters of which it is proposed to lower, or of the locality proposed to be drained, and may procure plans and estimates to be made of the work by such Engineer or Surveyor, and an assessment to be made by such Engineer or Surveyor of the real property to be benefited by such work, stating as nearly as may be, in the opinion of such Engineer or Surveyor, the proportion of benefit to be derived therefrom by every road and lot, or portion of lot; and if the Council is of opinion that the proposed work, or a portion thereof, would be desirable, the Council may pass by-laws—

(1) For providing for the proposed work, or a portion thereof, being done, as the case may be;

(2) For borrowing on the credit of the Municipality the funds necessary for the work, although the same extends beyond the limits of the Municipality (subject in that case to be reimbursed as hereinafter mentioned), and for issuing the debentures of the Municipality to the requisite amount, including the costs of arbitration, if any, in sums of not less than \$100 each, and payable within fifteen years from date, with interest at a rate of not less than five per centum per annum; 42 V. c. 31, s. 26.

(a) Any Council issuing debentures under the provisions of this section, may include the interest on the debentures in the amount payable, in lieu of the interest being payable annually in respect of each debenture, and any by-law authorizing the issue of debentures for a certain amount and interest, shall be taken to authorize the issue of debentures, in accordance with this sub-section, to the same amount with interest added, if the Council, by subsequent resolution, direct the treasurer to issue debentures in accordance with this section as aforesaid; 45 V. c. 26, s. 1 (3).

(3) For assessing and levying in the same manner as taxes are levied, upon the real property to be benefited by the work, a special rate sufficient for the payment of the principal and interest of the debentures, and for so assessing and levying the same, as other taxes are levied, by an assessment and rate on the real property so benefited (including roads held by Joint

Stock

Stock Companies or private individuals), in proportion as nearly as may be to the benefit derived by each lot or portion of lot and road in the locality ;

(a) The cost of any arbitration held in connection with the construction of any works under this section, the cost of the publication of by-laws, and all other expenses incidental to the construction of the works and the passing of the by-laws shall be deemed part of the cost of such works, and included in the amount to be raised by local rate ; 45 V. c. 26, s. 1 (2) ;

What costs to be deemed cost of works.

(b) Any person whose property has been assessed for such work may pay the amount of such assessment, less the interest, at any time before the debentures are issued, in which case the amount of debentures shall be proportionably reduced ; and

Proviso.

(c) Any agreement on the part of any tenant to pay the rates or taxes of the demised property shall not apply to or include the charges or assessments for any works under this section, unless such agreement in express terms mentions or refers to such charges or assessments, and as payable in respect of drainage works ; but in cases of contracts of purchase or of leases giving the lessee a right of purchase, the said charges or assessments shall be added to the price, and shall be paid (as the case may be) by the purchaser, or by the lessee in case he exercises such right of purchase ;

Proviso.

(4) For regulating the times and manner in which the assessment shall be paid ;

For providing how assessment be paid.

(5) For determining what real property will be benefited by the works, and the proportion in which the assessment should be made on the various portions of lands so benefited, and subject in every case of complaint by the owner or person interested in any property assessed, (whether of overcharge, or undercharge of any other property assessed, or that property which should be assessed has been wrongfully omitted to be assessed,) to proceedings for trial of such complaint and appeal therefrom, in like manner, as nearly as may be, as on proceedings for the trial of complaints to the Court of Revision under "*The Assessment Act* ;" R. S. O. c. 174, s. 529 (1-5). (36 V. c. 48, s. 447 ; 37 V. c. 20, s. 1 ; 39 V. c. 34, s. 8.)

For ascertaining the property liable to the rate.

R. S. O. c. 180, ss. 56, 57.

(6) The engineer or surveyor in assessing the real property to be benefited by any works to be executed under this section, need not confine his assessment to the part of a lot actually drained, but, in order that the portion to be rated may be conveniently ascertained, may make such assessment on the whole lot, or on the half, quarter, or other described part of the lot, if the person owning that part actually drained owns the whole lot, or owns such half, quarter, or other described part of the lot ; 45 V. c. 26, s. 1 (4).

Mode of assessing property.

How proportion of benefit may be shewn. (7) The proportion of benefit to be derived from any works by different parcels of land or roads may be shewn by the engineer or surveyor by placing sums of money opposite such parcels and roads, and it shall not be deemed to have been necessary to state the fraction of the cost to be borne by each parcel or road; 45 V. c. 26, s. 1 (5).

Petition for draining lands by embanking, etc. (8) The Council shall have the like power, and the provisions of this section shall apply in cases where the work can be effectually accomplished only by embanking, pumping or other mechanical operations, but in such cases the Council shall not proceed except upon the petition of two-thirds of the owners above mentioned in this section; R. S. O. c. 174, s. 529 (6). (40 V. c. 26, s. 1.)

Injury to low lying land. (9) In cases provided for by the next preceding sub-section, the Council may pass by-laws for assessing and defraying the annual cost of maintaining the necessary works upon the lands and roads to be benefited thereby, according to the provisions of this Act; and may do all things necessary, and pass all requisite and proper by-laws, and enter into all proper contracts for maintaining and giving full effect to said works; and all the provisions of this and the following sections to section 626 inclusive, shall be applicable, so far as possible, to the draining of lands under sub-section 8 of this section; except that the provisions of section 587 shall not apply to any of the works mentioned in said sub-section, except during the pleasure of the Council of the Municipality in which the works are situate; R. S. O. c. 174, s. 529 (7). (40 V. c. 26, ss. 2 and 3.)

Sections 570-626 to apply.

Section 587 only to apply during the will of the Council.

Court of Revision to have primary jurisdiction. (10) Trial of such complaints shall be had in the first instance by and before the Court of Revision of the Municipality in which the lands or roads lie, which Court the Council shall, from time to time as the occasion may require, hold on some day not earlier than 20 nor later than 30 days from the day on which the by-law was first published, notice of which shall be published with the by-law during the first three weeks of its publication;

Power of. R. S. O. c. 180, ss. 47-55. (11) Such Court shall be constituted in the same manner and have the same powers as Courts of Revision under "*The Assessment Act*;"

Transmission of assessment roll. (12) In case of any such complaint, the Clerk with whom the roll is deposited shall transmit to the Court of Revision a certified copy of so much of the said roll as relates to such Municipality;

Appeal to county judge. (13) The appeal from the Court of Revision shall be to the Judge, or Junior or acting Judge, of the County Court of the County within which such Municipality is situate;

Powers of judge on appeal. (14) In case of appeal to the Judge, Junior or acting Judge of the County Court, he shall have the same powers and duties and the Clerk of the Municipality shall have the same powers and

and duties, as nearly as may be, as they have respectively upon appeals from the Court of Revision under "*The Assessment Act*."

R. S. O. c.
180, ss. 59-65.

(15) In case, on any such complaint or appeal, the assessment is varied in respect of the property which is the subject of the complaint or appeal, the Court or Judge, as the case may be, shall vary *pro rata* the assessment of the said property, and of the other lands and roads benefited as aforesaid, without further notice to the persons interested therein, so that the aggregate amount assessed shall be the same as if there had been no appeal; and the Judge, or in case there is no appeal to the Judge, the Court of Revision shall return the roll to the Municipal Clerk from whom it was received, and the Assessors shall prepare and attest a roll in accordance with their original assessment as altered by such revision; R. S. O. c. 174, s. 529 (8-13). (36 V. c. 48, s. 447; 40 V. c. 8, s. 57.)

Variations in
assessment on
complaint or
appeal.

(16) The provisions of this section shall be deemed to extend to the re-execution or completion of any works which have been executed or have been partly or insufficiently executed under any provision of any Act of this Legislature, or of the Parliament of the Province of Canada, and to any works which it may be deemed expedient to dig, construct, or make for the purposes aforesaid, or any of them, provided that the stream, lake, or pond is, for the purposes hereof, within the jurisdiction of this Legislature. 45 V. c. 26, s. 1 (1), *part*.

Works to
which this sec-
tion applies.

571. Such by-law shall, *mutatis mutandis*, be in the form or to the effect following:

Form of by-
law.

A BY-LAW to provide for draining parts of (or, for the deepening of in, or as the case may be) the Township of , and for borrowing, on the credit of the Municipality, the sum of for completing the same.

Provisionally adopted the day of , A.D.

Whereas a majority in number of the owners, as shown by the last revised assessment roll, of the property hereinafter set forth to be benefited by the drainage (or deepening, or as the case may be), have petitioned the Council of the said Township of , praying that (here set out the purport of the petition, describing generally the property to be benefited.)

And whereas, thereupon the said Council procured an examination to be made by , being a person competent for such purpose, of the said locality proposed to be drained (or the said stream, creek, or water-course proposed to be deepened, or as the case may be), and has also procured plans and estimates of the work to be made by the said and an assessment to be made by him of the real property to be benefited by such drainage (or deepening, or as the case may be), stating, as nearly as he can, the proportion of benefit which, in his opinion, will be derived in consequence of such drainage (or deepening, or as the case may be), by every road and lot or portion of lot, the said assessment so made, and the report of the said in respect thereof, and of the said drainage (or deepening, or as the case may be), being as follows: (here set out the report and assessment of the Engineer or Surveyor employed.)

And whereas, the said Council are of opinion that the drainage of the locality described (or the deepening of such stream, creek or water-course, or as the case may be) is desirable:

Be

Be it therefore enacted by the said Municipal Council of the said Township of _____, pursuant to the provisions of "The Consolidated Municipal Act, 1883."

1st. That the said report, plans and estimates be adopted, and the said drain (or deepening, or as the case may be) and the works connected therewith be made and constructed in accordance therewith.

2nd. That the Reeve of the said Township may borrow on the credit of the Corporation of the said Township of _____ the sum of _____, being the funds necessary for the work, and may issue debentures of the Corporation to that amount, in sums of not less than \$100 each, and payable within _____ years from the date thereof, with interest at the rate of _____ per centum per annum, that is to say, in (insert the manner of payment, whether in annual payments or otherwise), such debentures to be payable at _____, and to have attached to them coupons for the payment of interest.

3rd. That for the purpose of paying the sum of \$475 being the amount charged against the said lands so to be benefited as aforesaid, other than lands (or roads, or lands and roads) belonging to the Municipality, and to cover interest thereon for (ten) years, at the rate of (five) per cent. per annum, the following special rates, over and above all other rates, shall be assessed and levied (in the same manner and at the same time as taxes are levied) upon the undermentioned lots and parts of lots; and the amount of the said special rates and interest assessed as aforesaid against each lot or part of lot respectively shall be divided into _____ equal parts, and one such part shall be assessed and levied as aforesaid, in each year, for _____ years after the final passing of this by-law, during which the said debentures have to run.

Concession.	Lot or Part of Lot.	Acres.	Value of Improvement.	To cover Interest for (10) years at (5) per cent.	Total Special Rate.	Annual Assessment during each year for (10) years.
			\$ cts.			
10	5	200	75 00			
"	S. $\frac{1}{2}$ 6	100	50 00			
"	N. $\frac{1}{2}$ 6	50	30 00			
"	S. W. $\frac{1}{2}$ 8	100	80 00			
"	9	200	150 00			
"	S. $\frac{1}{2}$ and N. $\frac{1}{2}$ 10	150	90 00			
			475 00			
Chargeable to Municipality for roads (or lands, or roads and lands)....			120 00			
			595 00			

4th. For the purpose of paying the sum of \$120, being the total amount assessed as aforesaid against the said roads (or lands, or roads and lands) of the said Municipality, and to cover interest thereon for (ten) years at the rate of (five) per cent. per annum, a special rate of _____ in the dollar shall, over and above all other rates, be levied (in the same manner and at the same time as taxes are levied) upon the whole ratable property in the said Township of _____ in each year for the period of _____ years, after the date of the final passing of this by-law, during which the said debentures have to run.

Amendment
of by-law.

(2) In the event of the assessment being altered by the Court of Revision or Judge, the by-law shall, before being finally passed,

passed, be amended so as to correspond with such alteration by the Court of Revision or Judge (as the case may be). R. S. O. c. 174, s. 530. (36 V. c. 48, s. 448.)

572. Before the final passing of the by-law it shall be published once, or oftener, in every week for four weeks in such newspaper published either within the Municipality or in the County Town, or in a public newspaper published in an adjoining local Municipality, as the Council may designate by resolution, together with a notice that any one intending to apply to have such by-law or any part thereof quashed, must, within ten days after the final passing thereof, serve a notice in writing upon the Reeve or other head officer, and upon the Clerk of the Municipality, of his intention to make application for that purpose to the High Court of Justice, at Toronto, during the sittings next ensuing the final passing of the by-law. 42 V. c. 31, s. 27. See Judicature Act (44 V. c. 5), Rule 480.

Publication of
drainage by-
laws.

(2) The said Council may, at their option, instead of such publication in a newspaper, direct by resolution that a copy of the by-law and notice, written or printed, or partly written and partly printed, be served upon each of the several owners, their lessees or occupants, or upon the agent or agents of such owners, or be left at their places of residence with some grown up member of the family, or where the land is unoccupied and the owner or owners, or their agent or agents, do not reside within the Municipality, may cause to be sent by registered letter to the last known address of such owner or owners, a copy of such by-law and notice, and the said by-law shall not be finally passed until after the expiration of three weeks from the last of such services, and the clerk shall keep on file in his office a statutory declaration or declarations by the party or parties making such service or services, and the manner in which the same were effected. 44 V. c. 24, s. 21. See sec. 618.

By-law may be
served on pro-
perty owners,
instead of pub-
lished.

573. In case no such intention to make application to quash a by-law is served within the time limited for that purpose in the preceding section, or if such notice is served, then in case such application is not made or is unsuccessful the by-law shall, notwithstanding any want of substance or form, either in the by-law itself or in the time and manner of passing the same, be a valid by-law.

If no applica-
tion to quash
made in time
specified, by-
law to be val-
id, notwith-
standing de-
fects.

(2) Where such application is made and is successful in part so much of the by-law as is not quashed upon such application shall be valid, notwithstanding any want of substance or form aforesaid. *New.*

574. In case any by-law already passed, or which may be hereafter passed by the Council of any Municipality, for the construction of drainage works by assessment upon the real property to be benefited thereby, and which has been acted upon by the construction of such works in whole or in part, does

Power to
amend by-law
when no suffi-
cient means
provided for
completion of
the work.

does not provide sufficient means, or provides more than sufficient means for the completion of the works, or for the redemption of the debentures authorized to be issued thereunder as the same become payable, the said Council may, from time to time, amend the by-law in order fully to carry out the intention thereof, and of the petition on which the same was founded. R. S. O. c. 174, s. 532 (2). (37 V. c. 20, s. 2; 40 V. c. 7, *Sched. A* (183).)

Provisions respecting by-laws passed under the preceding sub-section.

(2) Where any by-law which has been heretofore passed, or which may be hereafter passed under the provisions of the preceding sub-section, has been or shall hereafter be published in the manner required by section 572 of this Act, or in case of a City, Town or incorporated Village, has been or shall be notified in the manner required by section 618, section 578 shall apply to such by-law, and any by-law passed under the said preceding sub-section need not be published unless the Council sees fit; and the provisions of "*The Ontario Municipal Drainage Aid Act*" shall apply to any debentures issued under the authority of the said sub-section which have heretofore been or shall hereafter be purchased by direction of the Lieutenant-Governor in Council. 43 V. c. 24, s. 23.

When debentures not invalid though not in accordance with by-law.

575. No debenture issued or to be issued under any by-law aforesaid shall be held invalid on account of the same not being expressed in strict accordance with such by-law, provided that the debentures are for sums not in the whole exceeding the amount authorized by the by-law. R. S. O. c. 174, s. 533. (37 V. c. 20, s. 3.)

When work may be extended beyond limits of municipality.

576. Wherever it is necessary to continue the works aforesaid beyond the limits of any Municipality, the Engineer or Surveyor employed by the Council of such Municipality may continue the survey and levels into the adjoining Municipality, until he finds fall enough to carry the water beyond the limits of the Municipality in which the work was commenced. R. S. O. c. 174, s. 534. (36 V. c. 48, s. 451.)

When lands, etc., in adjoining municipality may be charged though works not carried in to such municipality.

577. Where the works do not extend beyond the limits of the Municipality in which they are commenced, but, in the opinion of the Engineer or Surveyor aforesaid, benefit lands in an adjoining Municipality, or greatly improve any road lying within any Municipality or between two or more Municipalities, then the Engineer or Surveyor aforesaid shall charge the lands to be so benefited, and the Corporation, person or company whose road or roads are improved, with such proportion of the costs of the works as he may deem just; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such Municipality or company. R. S. O. c. 174, s. 535. (36 V. c. 48, s. 452.)

578. The Engineer or Surveyor aforesaid shall determine and report to the Council by which he was employed, whether the works shall be constructed and maintained solely at the expense of such Municipality, or whether it shall be constructed and maintained at the expense of both Municipalities, and in what proportion. R. S. O. c. 174, s. 536. (36 V. c. 48, s. 453.)

Report as to which municipality to bear expense.

579. The Engineer or Surveyor aforesaid, where necessary, shall make plans and specifications of the works to be constructed, and charge the lands to be benefited by the work as provided herein. R. S. O. c. 174, s. 537. (36 V. c. 48, s. 454.)

Plans, etc.

580. The council of the Municipality in which the deepening or drainage is to be commenced, shall serve the head of the Council of the Municipality into which the same is to be continued, or whose lands or roads are to be benefited without the deepening or drainage being continued, with a copy of the report, plans, specifications, assessment and estimates of the Engineer or Surveyor aforesaid; and unless the same is appealed from as hereinafter provided it shall be binding on the Council of such Municipality. *New.*

Council of municipality wherein work is to be begun to notify municipality to be benefited.

581. The Council of such last mentioned Municipality shall within four months from the delivery to the head of the corporation of the report of the Engineer or Surveyor, as provided in the next preceding section, pass a by-law or by-laws to raise such sum as may be named in the report, or in case of an appeal, for such sum as may be determined by the arbitrators, in the same manner and with such other provisions as would have been proper if a majority of the owners of the lands to be taxed had petitioned as provided in section 570 of this Act. R. S. O. c. 174, s. 539. (36 V. c. 48, s. 456.)

Municipality so notified required to raise necessary amounts.

582. The Council of the Municipality into which the work is to be continued, or whose lands, road or roads are to be benefited without the work being carried within its limits, may, within 20 days from the day in which the report was served on the head of the Municipality, appeal therefrom; in which case they shall serve the head of the Corporation from which they received the report, with a written notice of appeal; such notice shall state the ground of appeal, the name of an Engineer or other person as their arbitrator, and shall call upon such Corporation to appoint an arbitrator in the matter on their behalf, within ten days after the service of such notice. R. S. O. c. 174, s. 540. (36 V. c. 48, s. 457.)

But such municipality may appeal. Proceedings thereon.

(2) When it is proposed to continue the deepening or drainage from the Municipality in which the same is to be commenced into another Municipality, and when through misapprehension or mistake the Council served with the report, plans and specifications of the engineer or surveyor, omits to appeal therefrom within 20 days, or has, when service thereof has been made since the

the passing of the twenty-sixth chapter of the Acts passed in the forty-fifth year of Her Majesty's reign, through misapprehension or mistake omitted to appeal therefrom within the said time, the Judge of the County in which the Municipality so served as aforesaid is situated may, upon application at any time before the drainage works have been already commenced or the contract let for the same, or the debentures have been actually issued under the said by-law, after the said 20, days have elapsed, by order grant permission to appeal upon such terms and conditions as to costs and otherwise, as he deems just and reasonable within a time to be limited by him in the order; or the other Council or Councils interested may by resolution waive the lapse of the said time, and in either of such cases the proceedings for appeal shall be the same as would have been required if the appeal had been gone on with in the proper time.

(3) The summons to shew cause why an appeal should not be allowed shall not be returnable in less than seven days from the service thereof, and the Council or Councils shall have power to amend any by-law or by-laws which may have been passed as shall become necessary or proper, by reason of the appeal or the result thereof.

(4) Where the omission to appeal has occurred as aforesaid since the passing of the said twenty-sixth chapter in the forty-fifth year of Her Majesty's reign, the Municipality served shall, with the permission of the judge, be entitled to appeal within 60 days from the passing of this Act; provided such contract has not been let, or work commenced, or debentures issued, as aforesaid, at the time of the passing hereof.

Arbitrators
shall be
appointed, etc.

583. The arbitrators shall be appointed by the parties in manner hereinbefore provided by the sections of this Act with reference to arbitration, and shall proceed as therein directed; but in no case shall the Engineer or Surveyor employed to make surveys, plans and specifications, nor any ratepayer or person interested in the construction of any such works be appointed or act as arbitrator. R. S. O. c. 174, s. 541; 42 V. c. 31, s. 28. (36 V. c. 48, s. 458.)

Each municipi-
pality to con-
tribute to
maintaining
the work in
proportions
fixed by en-
gineer.

584. After such work is fully made and completed, it shall be the duty of each Municipality, in the proportion determined by the Engineer or arbitrators (*as the case may be*), or until otherwise determined by the Engineer or arbitrators, under the same formalities, as nearly as may be, as provided in the preceding sections, to preserve, maintain and keep in repair the same within its own limits, either at the expense of the Municipality, or parties more immediately interested, or at the joint expense of such parties and the Municipality, as to the Council upon the report of the Engineer or Surveyor may seem just.

(2) Any such Municipality neglecting or refusing so to do, upon reasonable notice in writing being given by any party interested therein, shall be compellable by *mandamus*, to be issued by any Court of competent jurisdiction, to make from time to time the necessary repairs to preserve and maintain the same; and shall be liable to pecuniary damage to any person who or whose property is injuriously affected by reason of such neglect or refusal. R. S. O. c. 174, s. 542. (36 V. c. 48, s. 459.)

Provisions for case of neglect, etc.
Liability for damage.

585. After any works undertaken under section 598 are fully made and completed, it shall be the duty of each minor Municipality to preserve, maintain and keep in repair the same within its own limits, in accordance with the requirements of the preceding section, which shall be applicable thereto. 45 V. c. 26, s. 5.

Duty of minor municipalities as to repairing works.

586. In any case wherein the better to maintain any drain constructed under the provisions of the "*Ontario Drainage Act of 1873*," or of the Revised Statute respecting the expenditure of public money for drainage works, or to prevent damage to adjacent lands, it shall be deemed expedient to change the course of such drain, or make a new outlet, or otherwise improve or alter the drain, the Council of the Municipality, or of any of the Municipalities whose duty it is to preserve and maintain the said drain, may, on the report of an engineer appointed by them to examine and report on such drain, undertake and complete the alterations and improvements specified in the report under the provisions of sections 570 to 583 inclusive without the petition required by section 570. 45 V. c. 26, s. 17.

Power to change course of drain, make new outlet, etc.

587. In any case wherein after such work is fully made and completed, the same has not been continued into any other Municipality than that in which the same was commenced, or wherein the lands or roads of any such other Municipality are not benefited by such work, it shall be the duty of the Municipality making such work to preserve, maintain and keep in repair the same at the expense of the lots, parts of lots and roads, as the case may be, as agreed upon and shewn in the by-law when finally passed.

Works not extended beyond municipality commencing same, etc., or which do not benefit any other municipality, to be maintained by municipality commencing same.

(2) In any case where similar work has been constructed out of the general funds of the Municipality previous to the tenth day of February, 1876, the Council may without petition, on the report of an Engineer or Surveyor, pass a by-law for preserving, maintaining and keeping in repair the same at the expense of the lots, parts of lots and roads, as the case may be, benefited by such work and may assess such lots, parts of lots and roads so benefited, for the expense thereof, in the same manner, by the same proceedings, and subject to the same right of appeal as is provided with regard to works made and completed under the provisions of this Act.

When work prior to 10th Feb., 1876, has been paid for out of funds of municipality repair may be charged on property benefited.

Assessment
may be
changed.

(3) The Council may, from time to time, change such assessment on the report of an Engineer or Surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as the persons charged would have in the case of an original assessment. R. S. O. c. 174, s. 543. (36 V. c. 48, s. 460; 39 V. c. 34, s. 7.)

Drains to be
kept free from
obstructions.

588. In the event of any ditch, drain, creek or water-course that has been constructed or opened up under the provisions of "*The Ontario Drainage Act*," or any of the amendments thereto, or under the provisions of this Act respecting drainage to be paid by local rate, becomes obstructed, so as the free flow of the water is impeded thereby, if the aforementioned obstructions have been wilfully placed in such ditch, drain, creek, or water-course, by any party or parties through whose land, or between whose lands, such ditch, drain, creek, or water-course is situate, the party or parties causing the same shall, upon notification by the Council of the Municipality in writing, remove such obstructions, and if not so removed within the time specified, the council shall, without further delay, have the same removed at the cost of the said party or parties.

(2) If such cost is not paid by the party or parties to the person performing the same when the work is completed, the Council shall pay the amount to the party performing the work; and the clerk of the Municipality shall place such amount upon the Collector's Roll against the party or parties, as the case may be, with ten per cent. added thereto, and the same shall be collected like other taxes, subject, however, to an appeal by the said party or parties, in respect of the cost of the work, to the Judge of the County Court of the County in which the lands are situate, in the same manner as is provided by section twelve of chapter 199 of the Revised Statutes of Ontario. *New.*

Power to bor-
row funds for
repairs to
drainage
works.

589. Where the repairs, required to be made under either section 584 or section 587, are so extensive that the Municipal Council does not deem it expedient to levy the cost thereof in one year, the said Council may pass a by-law to borrow upon the debentures of the Municipality the funds necessary for the work, and shall assess and levy upon the property benefited a special rate sufficient for the payment of the principal and interest of the debentures: the by-law shall not require the assent of the electors.

(2) The provisions of "*The Ontario Municipal Drainage Aid Act*" shall apply to any debentures issued under the authority of any such by-law, if such by-law, before it was finally passed, was published or notified in the manner provided by section 572 of this Act, or, after it was passed, was promulgated in the manner authorized by section 331 of this Act. *New.*

590. If a drain already constructed, or hereafter constructed by a Municipality, is used as an outlet by another Municipality, Company or individual, or if any Municipality, Company or individual, by any means cause waters to flow upon and injure the lands of another Municipality, Company or individual, the Municipality, Company or individual using such drain as an outlet or otherwise, or causing waters to flow upon and injure such lands, may be assessed in such proportion and amount as may be ascertained by the engineer, surveyor, or arbitrators, under the formalities provided in the foregoing sections, for the construction and maintenance of such drain so used as an outlet as aforesaid; or for the construction and maintenance of such drain or drains as may be necessary for conveying from such lands the waters so caused to flow upon and injure the same. 44 V. c. 24, s. 22.

Case of drain used by another municipality.

591. If any dispute arises between individuals, or between individuals and a Municipality or Company, or between a Company and Municipality, or between Municipalities, as to damages alleged to have been done to the property of any Municipality, individual or Company, in the construction of drainage works, or consequent thereon, then the Municipality, Company or individual complaining may refer the matter to arbitration, as provided in this Act; and the award so made shall be binding on all parties. R. S. O. c. 174, s. 545. (36 V. c. 48, s. 462.)

Disputes as to damage done by works to be referred to arbitration.

592. Where, on account of proceedings taken under this Act, damages are recovered against the corporation or parties constructing the drainage works beyond the amounts which have been taken into consideration in estimating the cost of such works, the lands liable to assessment for such drain shall be charged with the amount so recovered on account of such drainage works, *pro rata*, according to their assessment, and the Council of each Township shall pass such by-laws as may be necessary for levying the same, with interest, against the lands within such Township liable thereto, either in one or more annual instalments, as the Council may deem expedient; and if the Council considers it advisable to spread such amount over several years, such Council may pass by-laws for issuing debentures in order to raise the necessary moneys to pay the said damages. 45 V. c. 26, s. 4.

Damages caused by drainage to be charged on land liable for cost of drainage.

593. In case any person finds it necessary to continue an under-drain into an adjoining lot or lots, or across or along any public highway, for the purpose of an outlet thereto, and in case the owner of such adjoining lot or lots, or the Council of the Municipality refuses to continue such drain to an outlet, or to join in the cost of the continuation of such drain, then the firstly mentioned person shall be at liberty to continue his said drain to an outlet through such adjoining lot or lots, or across or along such highway; and in case of any

Drains into adjoining lots or across highways.

any dispute as to the proportion of cost to be borne by the owner of any adjoining lot or Municipality, the same shall be determined by the fence-viewers in the same manner as disputes within "*The Line Fences Act*," excepting as to the amount of such award, which shall be finally decided by the fence-viewers, and their award shall be final. R. S. O. c. 174, s. 546. (37 V. c. 16, s. 20.)

Power to contract to spread earth, etc., on making ditch for drainage.

594. Where, under the provisions of sections 570 to 626, both inclusive, of this Act, a ditch is being constructed for drainage purposes along a road allowance, contracts may be made, by the Municipal Council so constructing, for spreading the earth taken from the ditch on the road; and if the road or any part thereof is timbered, or if stumps are in the way, the timber may be removed; and not less than twelve feet of the centre of the road shall be grubbed before the earth is spread upon it. R. S. O. c. 174, s. 547. (39 V. c. 34, s. 3.)

Payment by municipality.

595. The removal of the timber, grubbing and spreading of the earth, together with such portion of the cost of the ditch as the Engineer or Provincial Land Surveyor may deem just and proper, shall be charged to the Municipality and paid out of its general funds. R. S. O. c. 174, s. 548. (39 V. c. 34, s. 4.)

Construction of ditch on town line between municipalities.

596. Where it is necessary to construct such a ditch along a town line between two or more Municipalities, the Municipal Council of either of the adjoining Municipalities may, on petition, as provided for in section 570 of this Act, cause the ditch to be constructed on either side of the road allowance between the Municipalities, and make the road in manner as provided in the two preceding sections of this Act, and shall charge the lands and roads benefited in the adjoining Municipality or Municipalities with such proportion of the cost of constructing the said ditch as the Engineer or Surveyor aforesaid deems just and proper; and the amount so charged for roads, or agreed upon by the arbitrators, shall be paid out of the general funds of such Municipality or Municipalities. R. S. O. c. 174, s. 549. (39 V. c. 34, s. 5.)

Secs. 570-626 to apply.

597. The provisions of sections 570 to 626, both inclusive, of this Act, shall apply, as far as applicable, to any such ditch. R. S. O. c. 174, s. 550. (39 V. c. 34, s. 6.)

Where more than one municipality in same County affected, county council may pass by-law.

598. Where any works proposed to be constructed in any locality under section 570 affect more than one Municipality, either on account of such works passing, or partly passing, through two or more municipalities, or on account of the lowering or raising of the waters of any stream or lake, which is contemplated in the proposed scheme of drainage, either draining or flooding lands in two or more Townships, the County

County Council of the County to which such Municipalities belong, upon the application of the Council of any of the Municipalities affected, and without any preliminary petition from the owners of the property to be benefited may pass by-laws for the purposes authorized by the said section.

(2) Unless where contrary to this Act, the provisions of sections 570, 571, 572, 573, 574, 575, 577 and 591 shall apply to any works constructed under this section; but the Court to be held for the trial of complaints in the first instance shall be composed of three or more persons, nominated by the County Council for that purpose, who may or may not be members of the Council, as the Council may deem expedient, and any three or more of the persons nominated who are present at the sittings of such Court may proceed and adjudicate upon any complaints, notwithstanding the absence of one or more of the members of the Court. The Engineer or Surveyor who made the assessment shall not be a member of the Court of Revision.

Sections 570-575, 577 and 591 to apply to work under this section.

(3) The sittings of such Court shall be held in the County Town, or in such other place or places as the County Council or the majority of the said Court may name. All complaints against the assessment shall be lodged with the Clerk of the County. 45 V. c. 26, s. 2.

Where court for trial of complaints shall sit.

599. The County shall raise the money necessary for the construction of the said works, but each Township shall be liable to the County for the amount payable in respect of all the lands within such Township, and each Township shall pass such by-laws as may be requisite for collecting the amount assessed against the lands or roads within its jurisdiction. 45 V. c. 26, s. 3.

County to raise necessary funds, but townships to be liable for same.

600. In case the Municipalities upon which the cost of the works would fall are in several Counties, any of the Counties may procure an examination to be made by an engineer or Provincial land surveyor of the lands affected by the proposed works, and may procure plans of the work and estimates to be made of the cost thereof, including an estimate of the amount to be paid for damages, if any, and an assessment to be made by such engineer or Provincial land surveyor of the real property to be benefited, stating, as nearly as may be in the opinion of such engineer or surveyor, the proportion of benefit to be derived from such works by every road and lot or portion of lot.

Construction of works in several counties.

(2) Any Municipality may agree to indemnify the county, in respect of the expenses incurred in the case of the works not being proceeded with. 45 V. 26, s. 6.

Municipality may agree to indemnify county.

601. The Council shall thereupon, if it considers it desirable to proceed with the work, pass a resolution to this effect, and shall

If work approved by council report to be pub-

lished, and
copies of plans
etc., served on
warden of each
county.

shall cause a copy of the said report to be published at least once in newspapers published in the county towns of the several counties affected, or in newspapers published in such of the said county towns as have newspapers, but it shall not be necessary that such report shall be published in more than one paper in one county town, and shall cause to be served a copy of the report, plans, specifications, estimates and assessment upon the warden of each of the other counties affected. 45 V. c. 26, s. 7.

When votes of
persons
assessed to
be taken.

602. In case ten of the owners of the property assessed, within ten days of the first publication of the said report in a newspaper published in the county town of the county the Council of which procured the examination to be made, petition such Council not to proceed with the work, such Council shall, if it desires to proceed therewith, pass a by-law for taking the votes of the persons assessed upon the question whether or not the work shall be proceeded with; such by-law shall provide for holding a polling place in each municipality affected, whether within or without the county passing the by-law; and every person whose lands are assessed, or if the lands of a married woman are assessed, then the husband of such married woman shall be entitled to vote upon the question: Provided the person proposing to vote is of the full age of 21 years, and shall, if required, name the lands in respect of which he claims to be entitled to vote; and shall also, if required, take the oath or affirmation following: 45 V. c. 26, s. 8 (1):

Proviso.

Form of oath.

You swear that you are of the full age of 21 years, and a natural born (or naturalized) subject of Her Majesty.

That you have not voted before in the township on the question now being voted upon.

That you are the owner (or as the case may be) of the lands in respect of which you claim to vote, namely (*here mention the lands*).

That you are, according to law, entitled to vote on the said question.

That you have not directly or indirectly received any reward or gift, nor do you expect to receive any, for the vote which you tender.

That you have not received anything, nor has anything been promised to you, directly or indirectly, either to induce you to vote on the said question, or for loss of time, travelling expenses, hire of team, or any other service connected therewith.

That you have not, directly or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting.

So help you God. 45 V. c. 26, Schedule.

Deputy re-
turning officer
and proceed-
ings at poll.

(2) The Clerk of each Municipality shall act as deputy returning officer at the polling place in such Municipality, and the proceedings for taking the poll shall be the same, as nearly as may be, as the proceedings upon voting upon a by-law; 45 V. c. 28, s. 8 (2).

Who to be re-
turning officer.

(3) The Clerk of the County Council which passed the by-law shall act as returning officer. 45 V. c. 26, s. 8 (3).

Service of
"requisition
of appeal."

603. If a vote of the owners has been taken, and they have decided in favour of proceeding with the work, or if such a vote

vote has not been taken, then after the time for presenting a petition as aforesaid has elapsed, in case the Council or Councils of the county or counties upon which two-thirds of the cost of such work fall shall have passed a resolution or resolutions to the effect that it is desirable to proceed therewith, the Council which caused the survey to be made may serve upon the warden of the other county, or each of the other counties, a notice (hereafter called a requisition of appeal) requiring such county to state whether or not it is content to accept the assessment made, as shewing the proper proportion to be borne by such county, and notifying such Council that if dissatisfied with such assessment they must, within 30 days from the receipt of such notice by their warden, appeal therefrom.

(2) If the Council whose warden is served with a requisition of appeal do not, within thirty days of such service, serve the warden of the Council from which they received the requisition with a written notice of appeal, they shall be deemed to have accepted the assessment: Provided that the High Court of Justice, or any judge thereof, if it be shewn that the omission to serve the notice of appeal was through mistake, oversight or misadventure, may upon such terms, as to the said court or judge seem just, relieve them, and permit them to appoint an arbitrator.

Time within which notice of appeal to be served.

Proviso.

(3) In case a Council whose warden is served with a requisition of appeal is dissatisfied with the proportion assessed against the county, or with the proportion assessed against any other county, they shall, within 30 days of the receipt of the requisition by their warden, serve the warden of the County from which they received the requisition with a written notice of appeal, and shall also serve each of the other counties affected with a like notice.

Parties on whom notice of appeal to be served.

(4) Such notice shall state the grounds of appeal, the name of an arbitrator appointed by such Council, and shall call upon the Council served to appoint an arbitrator on their behalf within ten days after service of such notice.

Particulars which notice is to contain.

(5) In default of an appointment, within the said term, the judge of the county court of the county in default shall appoint an arbitrator for such county.

Appointment of arbitrator by county judge.

(6) Neither the engineer or surveyor who made the assessment, nor any officer or member of any Council concerned, shall be appointed an arbitrator.

Who may not be arbitrators.

(7) In case, after such Council has appointed an arbitrator, there is an even number of arbitrators, such arbitrators shall select an additional arbitrator, or in case of such arbitrators not agreeing in such selection within 30 days after the completion of their number, the Lieutenant-Governor in Council may appoint such additional arbitrator. 45 V. c. 26, s. 9.

Provision in case there is an even number of arbitrators.

Arbitrators to apportion cost of work.

604. The arbitrators shall, by their award, determine the proportion of the cost of such work that is to be borne by each of the minor Municipalities whose lands are affected thereby. 45 V. c. 26, s. 10.

Decision of majority to be binding.

605. In case of a difference between the arbitrators, the decision of the majority shall be conclusive, and the arbitrators shall make their award in so many parts as may be necessary to permit of one thereof being filed with the clerk of each of the counties interested, and one shall be filed with the clerk of each such county accordingly. 45 V. c. 26, s. 11.

Application to High Court of Justice when arbitrators unable to agree.

606. In case a majority of the arbitrators are unable, within six months of their appointment, to agree, or in case, prior to the expiration of the said term, they by an instrument in writing, signed by the majority of them, declare their inability to agree upon a complete award, any of the counties interested may apply to a judge of the High Court of Justice to appoint an umpire, and the said umpire may make an award upon hearing the points in difference between the arbitrators stated by them, or may, if he deems necessary, re-hear the entire case, or such particular parts thereof as he considers requisite. 45 V. c. 26, s. 12.

Right of minor municipalities interested to appear on arbitration.

607. Any of the minor Municipalities interested may appear by their head, or by their counsel or agent, before the arbitrators in support of the assessment, or of any variations which they contend should be made in the proportions in which the minor Municipalities are assessed. 45 V. c. 26, s. 13.

Where several counties interested, by-laws for assessment not to be passed pending appeal.

608. In case more counties than one are concerned, no by-laws for assessing the cost of the work upon the various parcels and roads shall be passed until it is ascertained there is not to be an appeal, or until after the award is made, where an appeal is had. 45 V. c. 26, s. 14.

After award made, or after time for appeal expired, each county to pass by-law for raising sum required.

609. Immediately upon an award being made, or in case there is no appeal, immediately after the time for appealing has elapsed, each county interested shall pass a by-law or by-laws to raise the sum chargeable against such county, and for assessing and levying the same, in accordance with the proportions fixed by the report of the engineer or surveyor, upon the real property within the county to be benefited by the said works, and for the appointment of a court for the trial, in the first instance, of complaints against such assessment, in the same manner and subject to the same conditions as is hereinbefore provided in respect of a county which is solely interested. 45 V. c. 26, s. 15.

Application of ss. 585, 592, 598 and 599.

610. The second and third sub-sections of sections 598 and sections 599, 592 and 585 shall apply to drainage works in which

which several counties are interested, as well as to works which only affect one county. 45 V. c. 26, s. 16.

611. In case any of the drainage works hereinbefore referred to, are to be carried through, across, under or along the railway of any railway company, in respect of which this Legislature has authority in this behalf, the powers of the Municipal Councils are, so far as regards the railway, to be exercised, subject as nearly as may be to the terms and restrictions contained in "*The Railway, Streets and Drains Act, 1882*." 45 V. c. 26, s. 19.

Powers of municipalities to be subject to 45 V. c. 21.

DIVISION II.—LOCAL IMPROVEMENTS IN CITIES, TOWNS AND VILLAGES.

Local Improvements. Secs. 612-623.

Sweeping, Watering and Lighting Streets. Sec. 624.

612. The Council of every City, Town, and incorporated Village may pass by-laws for the following purposes:

Councils may make by-laws for—

(1) For providing the means of ascertaining and determining what real property will be immediately benefited by any proposed improvement, the expense of which is proposed to be assessed as hereinafter mentioned upon the real property immediately benefited thereby; and of ascertaining and determining the proportions in which the assessment is to be made on the various portions of real estate so benefited; subject in every case to an appeal to the Judge of the County Court, in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision in the case of an ordinary assessment; R. S. O. c. 174, s. 551 (1). (36 V. c. 48, s. 464 (1).)

Ascertaining the real property to be benefited by a local improvement, etc.

Appeal.

(2) For assessing and levying, by means of a special rate, the cost of deepening any stream, creek, or water course, and draining any locality, or making, enlarging or prolonging any common sewer, or opening, widening, prolonging, or altering macadamizing, grading, levelling, paving, or planking any street, lane, alley, public way or place, or any sidewalk, or any bridge forming part of a highway therein, or curbing, sodding, or planting any street, lane, alley, square, or other public place, or reconstructing, as well as constructing any work hereby provided for; R. S. O. c. 174, s. 551 (2); 43 V. c. 27, s. 10 (1). (36 V. c. 48, s. 464 (2).)

Assessing and levying upon real property benefited the cost of certain public works.

(3) Nothing contained in the preceding sub-sections shall be construed to apply to any work of ordinary repair or maintenance; but all works constructed under the said preceding sub-sections shall thereafter be kept in a good and sufficient state of repair at the expense of the City, Town, or Village generally; R. S. O. c. 174, s. 554. (36 V. c. 48, s. 467.)

Preceding sub-sections not to apply to certain works.

(4)

Rate to be assessed on frontage.

(4) The special rate to be so assessed and levied shall be an annual rate, according to the frontage thereof, upon the real property fronting or abutting upon the street or place whereon or wherein such improvement or work is proposed to be done or made, subject to the provisions following, namely :

(a) Unless the majority of the owners of such real property, representing at least one-half in value thereof, petition the Council against such assessment, within one month after the last publication of a notice of such proposed assessment, in at least two newspapers published in such City, Town, or incorporated Village, if there are two newspapers published therein ; and if there are not, then in a newspaper published nearest to the proposed improvement or work, such publication to be once in each week for two weeks ;

(b) In the event of any such petition against any such proposed assessment, sufficiently signed, being presented to the Council, no second notice of assessment for the same proposed improvement shall be given by the Council within two years thereafter ; 45 V. c. 23, s. 4.

(c) The number of the owners petitioning against the assessment and the value of the real property which they represent, may be ascertained and finally determined in such manner and by such means as are provided by by-law in that behalf. R. S. O. c. 174, s. 552, *part* ;

Provision in case of insufficient or excessive assessment.

(5) If in any case the first assessment for any local improvement proves insufficient, the Council shall make a second in the same manner, and so on until sufficient moneys shall have been realized to pay for such improvements or works, and if too large a sum shall at any time be raised, the excess shall be refunded ratably to those by whom it was paid ; 43 V. c. 27, s. 10 (2).)

Regulating time and manner of levying assessments, etc.

(6) For regulating the time or times and manner in which the assessments to be levied under this section are to be paid, and for arranging the terms on which parties assessed for local improvements may commute for the payment of their proportionate shares of the cost thereof in principal sums ; R. S. O. c. 174, s. 551 (3). (36 V. c. 48, s. 464 (3).)

If funds furnished by parties.

(7) For effecting any such improvement as aforesaid with funds provided by parties desirous of having the same effected ; R. S. O. c. 174, s. 551 (4). (36 V. c. 48, s. 464 (4).)

Conditions as to sewers.

(8) If the contemplated improvement is the construction of a common sewer having a sectional area of more than four feet, one-third of the cost thereof shall, before the work is undertaken, be provided for by the Council, by by-law for borrowing money, which every such Council is hereby authorized to pass for such purpose, or otherwise. R. S. O. c. 174, s. 552, *part*. (36 V. c. 48, s. 465.)

613. The Council of every City, Town, and incorporated Village may by by-law provide an equitable mode of assessing for local improvements, works and services, corner lots, triangular or other irregular shaped pieces of land situate at the intersections or junctions of streets, having due regard to the situation, value and superficial area of such lots as compared with adjoining lots and pieces of land assessable for such improvements, works and services, and may charge the amount of any allowance, made on any such lot or piece of land, on the other real property fronting on the improvements or assume the same as a portion of the Municipality's share of the work or improvements; the said matters to be subject to appeal to the County Court Judge as already provided. *New.*

Assessment of corner lots, etc., for local improvements.

614. Where the lands on either side of a street, lane, or alley in a City, Town, or incorporated Village, in the opinion of the Council, are from any cause unfit for building purposes, and the Council deem it inequitable to assess the same for local improvements at as high a rate as the building lots fronting on said street, lane or alley, the Council shall in all such cases determine in what proportion the cost of any such improvement shall be borne by the lands on each side of said street, lane, or alley, respectively. *New.*

How proportion of cost of local improvements is to be determined in special cases.

615. Wherever in places wholly within a City, Town or incorporated Village, it shall, in the opinion of the Council, be deemed expedient and necessary to construct or repair bridges or culverts on any street, lane, or alley, for the more immediate convenience or benefit of any particular locality, and the Council is of opinion that from any cause it is inequitable to charge the whole cost of such construction or repairs on the lands fronting thereon, the Council shall determine what lands are benefited by such construction or repairs, and the proportion in which the cost thereof shall be assessed against the lands so benefited. The assessments made under this and the preceding section shall be subject to an appeal to the Judge of the County Court in the same manner and on the same terms, as nearly as may be, as an appeal from the Court of Revision, in the case of an ordinary assessment. *New.*

Provision respecting cost of bridges and culverts.

616. The Council may permit the owner or owners to build or improve the sidewalk in front of his or their lands, and any street, lane or alley within a City, Town, or incorporated Village, under the direction of the Council or an officer thereof appointed for that purpose, and according to such plans and regulations as the Council may prescribe, in which case the owners or occupants of such lands shall be exempt from all taxes for improvements of a like nature so long as he or they shall keep the same in repair to the satisfaction of the Council. *New.*

Council may permit owners to build or improve sidewalks in front of their lands.

Power to
borrow funds
for local im-
provements.

617. For the purpose of enabling Councils to avoid the necessity of making supplementary assessments, or refunding in case of over assessments, and of ascertaining the exact cost of any work or improvement, done or constructed, as a local improvement under the provisions of this Act, they may and they are hereby authorized and empowered to make agreements with any bank or banks, or any person or body corporate for temporary advances and loans until the completion of the work or improvement, for meeting the cost thereof, and they may and they are hereby authorized and empowered in their option to make the special assessments for the cost thereof, after the work or improvement, as the case may be, shall have been completed, and to pass the necessary by-law authorizing the issue of debentures to repay the amount of the temporary loan or advance.

Time for re-
payment of
loans.

(2) Every by-law for borrowing money shall provide for the repayment of the loan and the maturing of debentures to be issued pursuant to such by-law, within the probable life of the work or improvement for which such debt has been incurred, as certified by the Engineer or other proper officer to be appointed by the Council for that purpose.

Where special
assessments
are irregular,
new assess-
ments may be
made.

(3) If in any case any debt has been incurred by the Municipality for any work or improvement done or constructed under the provisions of this Act, and after the incurring of the said debt the special assessment for such work or improvement or the by-law providing for borrowing money therefor, be set aside or quashed, either wholly or in part, on the ground of any irregularity or illegality in the making of such assessment or passing such by-law, it shall be lawful for the said Council, and they are hereby authorized to cause a new assessment or assessments to be made, and to pass a new by-law or by-laws so often as may be necessary to provide funds for the payment of the debt so incurred for such work or improvement: Provided always that nothing herein contained shall be construed as authorizing any assessment to be made or work or improvement to be undertaken, except the same be initiated in some one of the three methods by law provided, namely:

(a) Either on the report of the Engineer or other sanitary officer and of a committee of the Council recommending the proposed work or improvement for sanitary or drainage purposes adopted by the Council; or

(b) On a petition of the owners of the real property benefited, sufficiently signed; or

(c) After due notice as above provided of the proposed assessment, and no petition of the owners of the real property benefited against the proposed assessment, sufficiently signed, being presented to the Council within the time limited therefor.

Property
charged with
local improve-

(4) Any real property specially assessed by any Council for any local improvement or work under this Act, and real property

erty where such improvement or work has been done with moneys provided by the owners of such real property, and real property the owners of which have constructed their own works and improvements which would otherwise have been constructed by the Municipality as local improvements, shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works and improvements at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of works and improvements opposite real property which is exempt from such special assessments and the general rate which may be imposed to meet the cost of maintenance and repairs on works and improvements constructed under local improvement by-laws. *New.*

ments to be exempt from general rates for same purposes.

618. No by-law passed by the Council of any City, Town, or incorporated Village, under the provisions of sections 570, 571, or 612 of this Act, shall require to be advertised or published by the said Council in any newspaper, but a written or printed or partly written and partly printed notice of the sitting of the Court of Revision for the confirmation of every such special assessment shall be given to the owners, lessees and occupants, or the agents of the owners, lessees and occupants, of each parcel of real estate included in such by-laws and assessment.

By-laws need not be advertised, but notice of the sitting of the court of revision shall be served on owners, lessees, etc.

(2) Each such notice shall contain a general description of the property in respect of which the same is given, the nature of the proposed improvements, work or service, the estimated total cost thereof, the amount of the assessment on the particular piece of property, and the time and manner in which the same is payable, and shall be signed by the Clerk, or the Assessment Commissioner, or other officer to be appointed by the Council for the purpose, and be mailed to the owner's address, at least fifteen days before the day appointed for the sittings of the said court, and ten days' notice shall also be given by publication in some newspaper, having a general circulation, of the time and place of the meeting of the said court, which notice shall specify generally what such assessment is to be for and the total amount to be assessed. 42 V. c. 31, s. 21.

619. Any real property specially assessed by any Council for any local improvement or work under this Act, shall be exempted by the Council from any general rate or assessment for the like purpose, except the cost of works at the intersection of streets, and except such portion of the general rate as may be imposed to meet the cost of like works opposite real property which is exempt from such special assessment; 45 V. c. 23, s. 5, *part*; 43 V. c. 27, s. 11 (1), *part*.

Property specially assessed to be exempt from general assessment for same purpose.

(2) Where a local improvement or service is petitioned for, and the petition is by two-thirds in number of the owners of

the real property fronting or abutting upon the street or place wherein or whereon such improvement or work is proposed to be done or made, the exemption may be for a specified period named in the petition and agreed to by the Council.

(3) Or if, either with or without naming any period for such exemption, the petition requests an arbitration, the Council may accede to the proposal for an arbitration.

(4) In case the matter is to be determined by arbitration, a sole arbitrator shall be chosen for the purpose by the County Court Judge, unless some person or persons is or are agreed to in that behalf by the petitioners and the Council.

(5) Wherever, by reason of a special assessment, the owners are exempted from a general rate for the like purpose, as aforesaid, the Council shall, from year to year, by by-law directing the general rate of assessment, or by some other by-law, state what proportion of the general rate is for purposes for which there is such special assessment in any part of the Municipality, and shall state the same in such manner as may give effect to this section.

(6) Until a by-law is passed containing such statement, none of the money raised by general rate on real property specially assessed or rated for any work or service hereafter executed shall be applied to any work or service of the same character in any part of the Municipality. 43 V. c. 27, s. 11.

By-laws directing improvements to be made by local assessment.

620. The Council of any City, Town or incorporated village may, by a by-law, passed with the assent of the electors according to the provisions of this Act, direct that all future expenditure in the Municipality for the improvements and services, or for any class or classes of improvement or service, for which special provisions are made in sections 612 and 624, shall be by special assessment on the property benefited, and not exempt by law from assessment.

Repeal of by-laws.

(2) After such a by-law has been passed in manner aforesaid, it shall not be repealed without the like assent of the electors; and, in case of such repeal, the preceding section, with respect to freedom from any general rate or assessment of property which is subject to a special rate, shall apply to all property which had been specially rated or assessed for such improvement or service, while the repealed by-law was in force. The time the exemption is to cease is to be determined in each or any case by arbitration, and the arbitrator is to be appointed by the County Judge, on the application of the Council. 43 V. c. 27, s. 12.

Assessment of places of worship for local improvements.

621. With respect to land on which a place of worship is erected and land used in connection therewith the Municipal Council may, by the by-law to be passed in that behalf, require the corporation, trustees, and other persons in whom is vested any

any such property, and the said property to be assessed for any local improvement in the same manner and to the same extent as the other owners and land benefited by the improvement, in the following cases, namely :

(a) In case a by-law is passed under the preceding section ;

(b) Or in case no such by-law is passed, but two-thirds of the owners of the real property to be benefited by the proposed improvement (excluding such corporation, trustees, or other persons aforesaid), representing at least one half in value of the remaining property, petition the Council to undertake the said improvement ;

(c) Or in case no such by-law is passed as aforesaid, but the said corporation, trustees or other persons, and two-thirds of the owners of the real property to be benefited by the proposed improvement (including the said corporation, trustees, or other persons), representing at least one half in value of the property, including the said property so vested in the corporation, trustees, or other persons aforesaid, petition the Council for the said improvement. *Sec 43 V. c. 27, s. 13.*

622. In case of a special assessment on property benefited by local improvement, the Council of the Municipality (if they think fit) may by by-law provide for constructing, at the expense of the general funds of the Municipality, such part of the local improvement as is situate upon or in that part of any street, lane, alley, public place, or square, which is intersected by any other street, lane, alley, public place, or square, or as would otherwise fall on property exempt from assessment ; and the Council may provide for the cost in the general rates or taxes for the year, or by the issue of debentures, or in such other manner not inconsistent with the provisions of this Act, or any special Act, as to said Council may seem best, and subject to such by-laws as the Council may pass in that behalf. *43 V. c. 27, s. 14.*

Certain part of improvements may be charged on general rates.

(2) The by-law authorizing the issue of such debentures need not be submitted for the assent of the electors of the Municipality ; and the debentures being issued to pay for that part of the work payable by local assessment may, if the Council thinks fit, be issued as a series distinct from those required to pay for that part which is to be borne by the general funds of the Municipality, or all the debentures required for the work may be issued in one series, as "Local Improvement Debentures." This sub-section shall be deemed declaratory of the law on and from the fifth day of March, 1880. *New.*

Provisions as to "Local Improvement Debentures."

623. The Council of any City, Town, or incorporated Village may pass all by-laws necessary, from time to time, to raise loans and borrow moneys required for its share of any local improvements and works on the credit of such City, Town, or incorporated Village at large ; and it shall not be necessary

Assent of electors not required to by-laws for raising Municipality's share of cost of local improvements.

to obtain the assent of the electors of such City, Town, or Village to the passing of any such by-law under the provisions of this Act, any special or private Act in that behalf to the contrary notwithstanding; provided always that nothing in this section contained shall be construed as authorizing an extension of the general debt of such City, Town, or Village beyond the limits thereof fixed by any Act limiting the same.

(2) It is hereby declared that the debentures issued under local improvement by-laws on the security of special assessments therefor form no part of the general debt of any such Municipality, within the meaning of any such last above-mentioned Act, and it shall not be necessary to recite the amount of such local improvement debt so secured by special rates or assessments in any by-law for borrowing money on the credit of the City, Town, or incorporated Village at large as aforesaid; but it shall be sufficient to state in any such by-law, that the amount of the general debt of the Municipality as therein set forth is exclusive of local improvement debts, secured by special Acts, rates or assessments. *New.*

Sweeping, Lighting and Watering Streets.

Sweeping,
lighting and
watering
streets.

624. The Council of every City, Town and incorporated Village may pass by-laws for raising, upon the petition of at least two-thirds of the freeholders and householders resident in any street, square, alley or lane, representing in value one-half of the assessed real property therein, such sums as may be necessary for sweeping, watering or lighting the street, square, alley or lane, by means of a special rate on the real property therein according to the frontage thereof; but the Council may charge the general corporate funds with the expenditure incurred in such sweeping, watering or lighting as aforesaid.

(2) The Council may also, by by-law, define certain areas or sections within the Municipality in which the streets should be watered, swept and lighted, and may impose a special rate upon the assessed real property therein, according to the frontage thereof, in order to pay any expenses incurred in watering, sweeping or lighting such streets. R. S. O. c. 174, s. 555. (36 V. c. 48, s. 468; 37 V. c. 16, s. 21.)

DIVISION III.—COUNTY BY-LAWS FOR ROAD IMPROVEMENTS.

Special rates by County Councils for local improvements in Townships. Secs. 625-627.

Special rates
for local im-
provements.

625. The Council of every County shall have power to pass by-laws for levying by assessment on all ratable property within any particular part of one or parts of two Townships to be described by metes and bounds in the by-law, in addition to all other rates, a sum sufficient to defray the expenses of making

making, repairing or improving any road, bridge, or other public work, lying within one Township or between parts of such two Townships, and by which the inhabitants of such parts will be more specially benefited, but this section shall not apply to any road, bridge or other public works within the limits of any Town or incorporated Village. R. S. O. c. 174, s. 557. (36 V. c. 48, s. 469.)

626. No by-law under the last preceding section shall be passed, except—

Proceedings to obtain by-law for such improvements.

(1) Upon a petition signed by at least two-thirds of the electors who are rated for at least one-half of the value of the property within those parts of such Township which are to be affected by the by-law; nor

(2) Unless a printed notice of the petition, with the names of the signers thereto, describing the limits within which the by-law is to have force, has been given for at least one month, by putting up the same in four different places within such parts of the Township, and at the places for holding the sittings of the Council of each Township, whether it be within such parts or not, and also by inserting the same weekly for at least three consecutive weeks in some newspaper (if any there be), published in the County Town, or if there is no such newspaper, then in the two newspapers published nearest the proposed work. R. S. O. c. 174, s. 558. (36 V. c. 48, s. 470.)

Notice to be posted up, and published for three weeks.

627. A County Council may, by by-law, assume or acquire any road, bridge or other public work, lying within one or more Townships or incorporated Towns or Villages, and may, by by-law, raise by way of loan, a sum of money for the improvement of such road, bridge or public work, to be repaid by a special assessment on all the ratable property within the Municipalities which shall be immediately benefited by such road, bridge or public work.

Power to pass by-laws acquiring roads, etc., lying within one or more townships, etc., and to levy special rate for improvement thereof.

(2) Such by-law shall state the amount to be raised for such work, and shall define the Municipalities forming the portion of the County Municipality to be affected by said by-law, and the portion of work to be performed in each Municipality, and shall provide for the raising of the said amount by the issue of debentures of the County, payable in 20 years, or by equal annual instalments of principal, with interest, and shall provide for assessing and levying upon all the ratable property, lying within the section defined in such by-law, an annual special rate sufficient for the payment of the principal and interest of the debentures.

Particulars which are to be stated in the by-law.

(3) Such by-law shall, if approved by a majority of the representatives in the County Council of the Municipalities which are defined in the said by-law, be submitted to the vote of the qualified ratepayers in the portion of said County to be affected by said by-law who are entitled to vote on money by-laws.

By-law to be submitted to electors in portion of county interested.

(4)

By-law only to apply to those municipalities in which it has a majority of votes.

(4) In case there should be a majority of votes cast against the said by-law in any one or more of the Municipalities mentioned therein, although the said by-law be carried, then the same shall only apply to those Municipalities in which it has received a majority of the votes cast, and shall not affect the other Municipalities mentioned in any way, and the amount of money mentioned in said by-law to be raised by way of loan, shall be reduced by the proportionate amount which the said Municipality or Municipalities, giving a majority of votes against the said by-law, would have been required to pay under said by-law.

By-law, if carried in some municipalities only, may be passed or dropped.

(5) In case there should be a majority of votes cast against the said by-law in any one or more Municipalities mentioned therein, although the said by-law be carried, then upon the approval of the majority of the representatives in the County Council of the Municipalities which have given a majority of votes in favour of the said by-law, the same may be read a third time and passed by the County Council, or dropped altogether; but in case the said by-law is finally passed, only the representatives in the County Council of those Municipalities giving a majority in favour of the said by-law, and to be affected by the same, shall have any voice in reference to the expenditure of the money to be raised thereby.

General provisions to apply to voting, etc.

(6) In all other respects the voting on such by-laws, and the passing and subsequent proceedings thereon, shall be in accordance with the provisions of this Act. 45 V. c. 23, s. 14.

TITLE IV.—POWERS OF MUNICIPAL COUNCILS AS TO RAILWAYS.

Aiding railways by taking stock, etc. Sec. 628.

When head of Council to be a Director ex officio. Sec. 629.

Townships may permit Railways to be constructed on highways, etc. Sec. 630.

Grouping clauses repealed. Sec. 631.

By-laws may be made for—

628. The Council of every Township, County, City, Town and incorporated Village may pass by-laws—

Taking stock in certain railways or guaranteeing debentures. 14, 15 V. c. 61, s. 18.
C. S. C. c. 66, ss. 75-78.
R. S. O. c. 165, s. 31.

(1) For subscribing for any number of shares in the capital stock of, or for lending to or guaranteeing the payment of any sum of money borrowed by an incorporated Railway Company to which the eighteenth section of the statute fourteen and fifteen Victoria, chapter 51, or sections 75 to 78 inclusive of chapter 66 of the Consolidated Statutes of Canada, or the equivalent sections of "*The Railway Act of Ontario*," have been or may be made applicable by any special Act. R. S. O. c. 174, s. 559 (1). (36 V. c. 48, s. 471 (1).)

(2)

(2) For endorsing or guaranteeing the payment of any debenture to be issued by the Company for the money by them borrowed, and for assessing and levying from time to time, upon the whole ratable property of the Municipality, a sufficient sum to discharge the debt or engagement so contracted; R. S. O. c. 174, s. 559 (2); 36 V. c. 48, s. 471 (2).)

For guaranteeing the payment of debentures, etc.

(3) For issuing, for the like purpose, debentures payable at such times, and for such sums respectively, not less than \$20, and bearing or not bearing interest as the Municipal Council thinks meet; R. S. O. c. 174, s. 559 (3); (36 V. c. 48, s. 471 (3).)

For issuing debentures, etc.

(4) For granting bonuses to any Railway Company in aid of such railway, and for issuing debentures in the same manner as is in the preceding sub-section provided for raising money to meet such bonuses; R. S. O. c. 174, s. 559 (4); (36 V. c. 48, s. 471 (4).)

Bonuses.

(5) For directing the manner and form of signing or endorsing any debenture so issued, endorsed or guaranteed, and of countersigning the same, and by what officer or person the same shall be so signed, endorsed or countersigned respectively;

Form of debenture.

But no Municipal Corporation shall subscribe for stock or incur a debt or liability for the purposes aforesaid, unless the by-law before the final passing thereof receives the assent of the electors of the Municipality in manner provided by this Act; R. S. O. c. 174, s. 559 (5). (36 V. c. 48, s. 471 (5).) See also R. S. O. c. 165, s. 31 (3), and sec. 322 *ante*.

Assent of electors necessary.

629. In case any Municipal Council subscribes for and holds stock in a Railway Company under section 628 to the amount of \$20,000 or upwards, the head of the Council shall be *ex officio* one of the Directors of the Company, in addition to the number of Directors authorized by the special Act, and shall have the same rights, powers and duties as the other Directors of the Company; R. S. O. c. 174, s. 560; (36 V. c. 48, s. 475.) See also R. S. O. c. 165, s. 31 (4).

In certain cases, head of council to be *ex officio* a director.

630. The Council of every Township may pass by-laws for authorizing any Railway Company, in case such authority is necessary, to make a branch railway on property of the Corporation, or on highways, under such conditions as the Council sees fit, and subject to the restrictions contained in "*The Railway Act of Ontario*," and any other Acts affecting such railway; and may also pass by-laws to authorize companies or individuals to construct tramways and other railways along any highway on such terms and conditions as the Council sees fit. R. S. O. c. 174, s. 561. (36 V. c. 48, s. 476.)

By-laws authorizing branch railways, tramways and other railways along highways. R. S. O. c. 165.

631. So much of any enactment in private and other Acts, passed on or before the fifth day of March, 1880, as authorizes

Grouping clauses in railway Acts or passed on or

before March
5, 1880, re-
pealed.

or provides for the grouping or joining together of Municipalities or a Municipality, or part of any Municipalities or Municipality with part of another Municipality or parts of other Municipalities, for the purpose of granting Municipal aid to any Railway or Railway Company, is hereby repealed and declared to be inoperative. 43 V. c. 27, s. 17.

PART VIII.

POLICE VILLAGES.

DIV. I.—FORMATION OF.

DIV. II.—TRUSTEES, AND ELECTION OF.

DIV. III.—DUTIES OF POLICE TRUSTEES.

DIVISION I.—FORMATION OF.

Existing Villages continued. Sec. 632.

New Police Villages—how formed. Sec. 633.

Existing
police villages
continued.

632. Until otherwise provided by competent authority, every existing Police Village shall continue to be a Police Village, with the boundaries now established. R. S. O. c. 174, s. 562. (36 V. c. 48, s. 477.)

New police
villages.

633. On the petition of any of the inhabitants of an unincorporated Village, the Council or Councils of the County or Counties within which the Village is situate may, by by-law, erect the same into a Police Village, and assign thereto such limits as may seem expedient. R. S. O. c. 174, s. 563. (36 V. c. 48, s. 478.)

DIVISION II.—TRUSTEES, AND ELECTION THEREOF.

Existing Trustees continued. Sec. 634.

Trustees three in number. Sec. 635.

Qualification required for. Secs. 636, 637.

Electors, who are. Sec. 638.

Election, where to be held. Secs. 639-641.

Returning Officer, how appointed. Sec. 639.

Election not to be held in a Tavern. Sec. 641.

Nomination, how conducted. Secs. 642-644.

Polling, how conducted. Secs. 645-649.

Powers of Returning Officer. Sec. 650.

Tenure of Office. Sec. 651.

Voters' Lists, etc., to be returned. Sec. 652.

Vacancies, how filled. Sec. 653.

Inspecting Trustee, how appointed. Sec. 654.

634.

634. The Trustees of every Police Village existing when this Act takes effect, shall be deemed the Trustees respectively of every such Village as continued under this Act. Present trustees continued. R. S. O. c. 174, s. 564. (36 V. c. 48, s. 479.)

635. The Trustees of every Police Village shall be three in number. Number of trustees. R. S. O. c. 174, s. 565. (36 V. c. 48, s. 480.)

636. The persons qualified to be elected Police Trustees shall be such persons as reside within the Police Village or within two miles thereof, and are eligible to be elected Township Councillors, and are qualified in respect of property for which they are rated in such Police Village to the amount required so to qualify them. Qualification of trustees. R. S. O. c. 174, s. 566. (36 V. c. 48, s. 481.)

637. If there are not six persons qualified under the preceding section, any person entitled to vote at the election may be elected. Deficiency in number of qualified persons. R. S. O. c. 174, s. 567. (36 V. c. 48, s. 482.)

638. Any Township elector, rated on the last assessment roll for such property in a Police Village as entitles him to vote in respect thereof at the Municipal Election for the Township, shall be entitled to vote at the Election for Police Trustees. Qualification of electors. R. S. O. c. 174, s. 568. (36 V. c. 48, s. 483.)

639. The Council by which a Police Village is established shall, by the by-law establishing the same, name the place in the Village for holding the first election of Police Trustees, and the Returning Officer therefor. Place for holding first election, etc. R. S. O. c. 174, s. 569. (36 V. c. 48, s. 484.)

640. In a Police Village, after the first election, the Trustees thereof, or any two of them, shall, from time to time, by writing under their hands, appoint the Returning Officer, and the place or places within such Village for holding nominations and elections. Place for holding subsequent elections, etc. R. S. O. c. 174, s. 570. (36 V. c. 48, s. 485.)

641. No election of Police Trustees shall be held in a tavern, or in a house of public entertainment licensed to sell spirituous liquors. No election to be held in a tavern. R. S. O. c. 174, s. 571. (36 V. c. 48, s. 486.)

642. A meeting of the electors shall take place for the nomination of candidates for the offices of Police Trustees, in each Police Village, at noon on the last Monday in December, annually, at such place therein as is from time to time fixed by the Trustees. Nomination meeting.

(2) When the last Monday in December happens to be Christmas day, the meeting shall be held on the preceding Friday. Provision for Christmas day. R. S. O. c. 174, s. 572. (36 V. c. 48, s. 487; 39 V. c. 7, s. 20.)

Who to pre-
side.

643. The Returning Officer (or, in his absence, a Chairman to be chosen) shall preside at such meeting, of which the Police Trustees shall give at least six days' notice. R. S. O. c. 174, s. 573. (36 V. c. 48, s. 488.)

If no more
candidates
than offices.

644. If only three candidates are proposed and seconded, the Returning Officer or Chairman shall, after a lapse of one hour, declare such candidates duly elected. R. S. O. c. 174, s. 574. (36 V. c. 48, s. 489.)

If more, and
poll de-
manded.

Election.

645. If more than the necessary number of candidates are proposed, the Returning Officer or Chairman shall adjourn the proceedings until the first Monday in January, when a poll or polls shall be opened for the election, at nine o'clock in the morning, and shall continue open until five o'clock in the afternoon, and no longer. R. S. O. c. 174, s. 575. (36 V. c. 48, s. 490.)

Notice of per-
sons proposed,
to be posted.

List of voters.
to be obtained.

646. The Returning Officer or Chairman of the meeting shall, on the day following that of the nomination, post up in the office of the Clerk of the Township, if it is situated in such Police Village, and if not, then in some other public place in such Police Village, the names of the persons nominated at such meeting; and shall, if a poll is necessary, demand in writing from the Clerk of the Township, or Clerks of the Townships, a list of the names of the persons appearing by the assessment roll to be entitled to vote in the said Police Village, such as is required to be furnished under the next section. R. S. O. c. 174, s. 576. (36 V. c. 48, s. 491; 40 V. c. 7, *Sched. A* (184).)

Clerk of town-
ship to furnish
alphabetical
list of voters.

List to be
attested by
declaration.

647. The Clerk of the Township, or Clerks of the Townships in which any Police Village is situated, shall, at latest on the day previous to the day for opening the poll, deliver to the Returning Officer of such Police Village a list of the names according to the form by law prescribed in the case of other municipal elections, of the persons entitled to vote at Township municipal elections, in respect of real property situate, or income received in the said Police Village, or in the portion thereof in the Municipality of such Clerk, and shall attest the said list by his solemn declaration in writing under his hand. R. S. O. c. 174, s. 577. (36 V. c. 48, s. 492; 40 V. c. 7, *Sched. A* (185).)

Except where
otherwise pro-
vided, same
proceedings,
etc., to be had
as at elections,
etc., of coun-
cillors, etc.

648. The various sections of this Act relating to the proceedings at the nomination and election of Township Councillors, including those relating to the questions to be put and oaths to be administered to electors, and as to the appointment of a Chairman or Returning Officer, in case the person appointed is absent, and also the provisions respecting controverted elections and for the prevention of corrupt practices, shall apply and be acted on, unless where a different provision

is

is herein made, in the election of Police Trustees. R. S. O. c. 174, s. 578. (36 V. c. 48, s. 498; 40 V. c. 7, *Sched. A* (186).)

649. In case a casting vote is required to determine an election, the Returning Officer, whether otherwise qualified or not, shall give a casting vote for one or more of such candidates, so as to decide the election, and except in such case the Returning Officer shall not vote at any such election. R. S. O. c. 174, s. 579. (36 V. c. 48, s. 495.)

650. The Returning Officer shall have the like powers for the preservation of the peace as are given to Returning Officers and Deputy Returning Officers at municipal elections. R. S. O. c. 174, s. 580. (36 V. c. 48, s. 499.)

651. The persons elected shall hold office until their successors are elected or appointed and sworn into office and hold their first meeting. R. S. O. c. 174, s. 581. (36 V. c. 48, s. 496.)

652. Every Returning Officer shall, on the day after the close of the poll, return the ballot papers, voters' list and other documents relating to the election, to the Clerk of the Township in which the Village is situated, or in case the Village lies in several Townships, then to the Clerk of the County, verified under oath before such Clerk, or before any Justice of the Peace for the County or Union of Counties in which the Village lies, as to the due and correct taking of the votes. R. S. O. c. 174, s. 582. (36 V. c. 48, s. 497.)

653. In case of any vacancy in the office of a Police Trustee, by death or otherwise, the remaining Trustee or Trustees shall, by writing to be filed with such Clerk as aforesaid, appoint a Trustee or Trustees to supply the vacancy. R. S. O. c. 174, s. 583. (36 V. c. 48, s. 500.)

654. The Trustees of every Police Village, or any two of such Trustees, shall, by writing under their hands, to be filed with the Clerk of the Township, or in case the Village lies in several Townships, with the Clerk of the County, appoint one of their number to be Inspecting Trustee. R. S. O. c. 174, s. 584. (36 V. c. 48, s. 501.)

DIVISION III.—DUTIES OF POLICE TRUSTEES.

Oaths of office and qualification. Sec. 655.

First meeting of. Sec. 656.

Expenses of, how provided for. Secs. 657-660.

Trustees to be Health Officers. Sec. 661.

Regulations to be enforced by Trustees. Sec. 662.

Prevention

Prevention of Fire. Sec. 662 (1-11).

Gunpowder. Sec. 662 (13, 14).

Nuisances. Sec. 662 (15).

Penalties. Secs. 663-665.

Neglect of duty by Trustees, how punishable. Sec. 664.

Limitation of suits for penalties. Sec. 665.

Oaths of office
and qualifica-
tion.

655. Every Police Trustee shall take oaths of office and qualification in the same manner and within the time prescribed for Township Councillors, under like penalties in case of default. R. S. O. c. 174, s. 585. (36 V. c. 48, s. 502.)

When first
meeting to be
held.

656. The Trustees of every Police Village shall hold their first meeting at noon on the third Monday of the same January in which they are elected, or on some day thereafter at noon. R. S. O. c. 174, s. 586. (36 V. c. 48, s. 503.)

Expenditure,
how provided
for.

657. The Trustees, at any time previous to the first day of June, may require the Council of the Township or Townships in which the Police Village is situated to cause to be levied along with the other rates, upon the property liable to assessment in such Village, such sums as they may estimate to be required to cover the expenditures for that year in respect of matters coming within their duties, and to cover any balance for expenditures incurred during the year then last past, such sum not to exceed one cent in the dollar on the assessed value of such property. R. S. O. c. 174, s. 587. (36 V. c. 48, s. 504.)

Where village
in two or more
townships.

658. In case the Village is situated in two or more Townships, the Trustees shall require a proportionate amount from each, according to the value of the property of the Village in each Township, as shewn by the last equalized assessment rolls. R. S. O. c. 174, s. 588. (36 V. c. 48, s. 505.)

Payment of
orders given
by trustees,
etc.

659. The Township Treasurer shall from time to time, if he has moneys of the Municipality in his hands not otherwise appropriated, pay any order given in favour of any person by the Inspecting Trustee, or by any two of the Trustees, to the extent of the amount required to be levied as aforesaid, although the same may not have been then collected. R. S. O. c. 174, s. 589. (36 V. c. 48, s. 506.)

When orders
may be given.

660. No Trustee shall give any such order in favour of any person except for work previously actually performed, or in payment of some other executed contract. R. S. O. c. 174, s. 590. (36 V. c. 48, s. 507.)

Trustees to be
health officers.
R. S. O. c. 190.

661. The Trustees of every Police Village shall be Health Officers within the Police Village, under "*The Act respecting the Public Health.*" R. S. O. c. 174, s. 591. (36 V. c. 48, s. 508.)

662. The Trustees of every Police Village shall execute and enforce therein the regulations following:—

Following regulations to be enforced.

Prevention of Fire.

(1) Every proprietor of a house more than one story high, shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and another ladder reaching from the ground to the roof of such house, under a penalty of one dollar for every omission; and a further penalty of two dollars for every week such omission continues. R. S. O. c. 174, s. 592 (1). (36 V. c. 48, s. 509 (1).)

For providing ladders, etc.

Penalty.

(2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of one dollar for each bucket deficient. R. S. O. c. 174, s. 592 (2). (36 V. c. 48, s. 509 (2).)

Fire buckets.

Penalty.

(3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding two dollars for non-compliance. R. S. O. c. 174, s. 592 (3). (36 V. c. 48, s. 509 (3).)

As to furnaces, etc.

Penalty.

(4) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of two dollars. R. S. O. c. 174, s. 592 (4). (36 V. c. 48, s. 509 (4).)

Stove pipes, etc.

Penalty.

(5) No person shall enter a mill, barn, outhouse or stable with a lighted candle or lamp, unless well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of one dollar. R. S. O. c. 174, s. 592 (5). (36 V. c. 48, s. 509 (5).)

Lights in stables, etc.

Penalty.

(6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of one dollar. R. S. O. c. 174, s. 592 (6). (36 V. c. 48, s. 509 (6).)

Chimneys.

Penalty.

(7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, without having such fire confined in some copper, iron or tin vessel, under a penalty of one dollar for the first offence, and of two dollars for every subsequent offence. R. S. O. c. 174, s. 592 (7). (36 V. c. 48, s. 509 (7).)

Securing fire carried through streets, etc.

Penalty.

(8) No person shall light a fire in a street, lane or public place, under a penalty of one dollar. R. S. O. c. 174, s. 592 (8). (36 V. c. 41, s. 509 (8).)

Lighting fires in streets.

(9) Penalty.

Hay, straw,
etc.
Penalty.

(9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling-house, under a penalty of one dollar for the first offence, and of five dollars for every week the hay, straw or fodder is suffered to remain there. R. S. O. c. 174, s. 592 (9). (36 V. c. 48, s. 509 (9).)

Ashes, etc.

(10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of one dollar. R. S. O. c. 174, s. 592 (10). (36 V. c. 48, s. 509 (10).)

Penalty.

Lime.

(11) No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of one dollar, and a further penalty of two dollars a day until the lime has been removed, or secured to the satisfaction of the Inspecting Trustee, so as to prevent any danger of fire. R. S. O. c. 174, s. 592 (11). (36 V. c. 48, s. 509 (11).)

Penalty.

Charcoal
furnaces.
Penalty.

(12) No person shall erect a furnace for making charcoal of wood, under a penalty of five dollars. R. S. O. c. 174, s. 592 (12). (36 V. c. 48, s. 509 (12).)

Gunpowder.

Gunpowder,
how to be
kept.
Penalty.

(13) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of five dollars for the first offence, and ten dollars for every subsequent offence. R. S. O. c. 174, s. 592 (13). (36 V. c. 48, s. 509 (13).)

Not to be sold
at night.

(14) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of ten dollars for the first offence, and of twenty dollars for every subsequent offence. R. S. O. c. 174, s. 592 (14). (36 V. c. 48, s. 509 (14).)

Penalty.

Nuisances.

Certain
nuisances
prohibited.

(15) No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of one dollar, and a further penalty of two dollars for every week he neglects or refuses to remove the same after being notified to do so by the Inspecting Trustee, or some other person authorized by him. R. S. O. c. 174, s. 592 (6). (36 V. c. 48, s. 509 (15).)

Penalties.

Who to sue
for penalties.

663. The Inspecting Trustee, or in his absence, or when he is the party complained of, one of the other Trustees, shall sue for all penalties incurred under the regulations of police herein established,

established, before a Justice of the Peace having jurisdiction in the Village and residing therein, or within five miles thereof; or if there be none such, then before any Justice of the Peace having jurisdiction in the Village; and the Justice shall hear and determine such complaint in a summary manner, and may convict the offender, upon the oath or affirmation of a credible witness, and cause the penalty, with or without costs, as he may see fitting, to be levied by distress and sale of the goods of the offender, to be paid over to the Path-master or Path-masters of the division or divisions to which the Village belongs, or to such of the said Path-masters as the Trustees may direct; and such Path-master or Path-masters shall apply the penalty to the repair and improvement of the streets and lanes of the Village, under the direction of the Trustees. R. S. O. c. 174, s. 593. (36 V. c. 48, s. 510.)

before
And by
whom.

Conviction
and levy of
penalty.

664. Any Police Trustee who wilfully neglects or omits to prosecute an offender at the request of any resident householder of the Village offering to adduce proof of an offence against the regulations of police herein established, or who wilfully neglects or omits to fulfil any other duty imposed on him by this Act, shall incur a penalty of five dollars. R. S. O. c. 174, s. 594. (36 V. c. 48, s. 511.)

Penalty for
breach of duty
by trustees.

665. The penalties prescribed by the preceding section, or by that for the establishment of regulations of police, shall be sued for within ten days after the offence has been committed or has ceased, and not subsequently. R. S. O. c. 174, s. 595. (36 V. c. 48, s. 512.)

When prose-
cutions to be
commenced.

CONFIRMING AND SAVING CLAUSES.

666. Nothing herein contained shall be taken or construed to affect or repeal so much of the schedules in either of the Municipal Corporation Acts of 1849 and 1850 as defines the limits or boundaries of any Cities or Towns, being Schedule B of the Act of 1849, numbers two, three, four, six, seven, eight, nine, ten and eleven, and Schedule C of the same Act, numbers one, two and three, and Schedule B of the Act of 1850, numbers one, five, twelve, thirteen, fourteen and fifteen; and also so much of Schedule D of the said Acts of 1849 and 1850 as relates to Amherstburg, and also so much of section 203 of the said Act of 1849, and so much of any other sections of either of the said Acts relating to any of the Schedules thereof as have been acted upon, or as are in force and remain to be acted upon at the time this Act takes effect, and all proclamations and special statutes by or under which Cities and other Municipalities have been erected, so far as respects the continuing the same and the boundaries thereof, shall continue in force. R. S. O. c. 174, s. 596. (36 V. c. 48, sec. 513.)

Exceptions
from repeal.

Boundaries of
cities and
towns.

Amherstburg.

Proclama-
tions.
Special Acts.

R. S. O. c. 175,
not affected.

667. Nothing herein contained shall affect "*The Act respecting the establishment of Municipal Institutions in the Districts of Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay.*" R. S. O. c. 174, s. 597. (36 V. c. 48, s. 514.)

Inconsistent
enactments
repealed.
Exception.

668. The Acts and parts of Acts inconsistent with the provisions of this Act, relating to the Municipal Institutions of Ontario, excepting special Acts which have been enacted to confer specific powers on certain Municipalities are hereby repealed; but the repeal thereof shall not revive any Act or provision of law by them repealed, or prevent the effect of any saving clause therein, or the application of any such parts or Acts, or of any Act or provision of law formerly in force to any transaction, matter or thing anterior to the said repeal to which they would otherwise apply. *New.*

SCHEDULE A.

(Section 122.)

FORM OF BALLOT PAPER.

(1. In the case of Cities.)

FORM FOR MAYOR.

 Election for the Members of the Municipal Council of the City of Ward No. , Polling Subdivision No. , day of January, 18	FOR MAYOR.	ALLAN. Charles Allan, King Street, City of Toronto, Merchant.
		BROWN. William Brown, City of Toronto, Banker.

FORM FOR ALDERMAN.

 Election for the Members of the Municipal Council of the City of Ward No. , Polling Subdivision No. , day of January, 18	FOR ALDERMAN.	ARGO. James Argo, City of Toronto, Gentleman.
		BAKER. Samuel Baker, City of To- ronto, Baker.
		DUNCAN. Robert Duncan, City of To- ronto, Printer.

(2. In the case of Towns divided into Wards.)

FORM FOR MAYOR, REEVE, AND DEPUTY REEVE.

 Election for the Members of the Municipal Council of the Town of _____, Ward _____ No. _____, Polling/ Subdivision No. _____ day of January, 18 ____	FOR MAYOR.	THOMPSON.	X
		Jacob Thompson, of the Town of Barrie, Merchant.	
	FOR REEVE (if any).	WALKER.	
		Robert Walker, of the Town of Barrie, Physician.	
		BROWN.	
		John Brown, of the Town of Barrie, Merchant.	
FOR DEPUTY REEVE (if any).	ROBINSON.	X	
	George Robinson, of the Town of Barrie, Merchant.		
	ARMOUR.		
	Jacob Armour, of the Town of Barrie, Pumpmaker.		
		BOYD.	X
		Zachary Boyd, of the Town of Barrie, Tinsmith.	

FORM FOR COUNCILLORS.

 Election for the Members of the Municipal Council of the Town of Subdivision No. day of January, 18	FOR COUNCILLOR.	BULL.	X
		John Bull, of the Town of Barrie, Butcher.	
		JONES.	Morgan Jones, of the Town of Barrie, Grocer.
		McALLISTER.	Allister McAllister, of the Town of Barrie, Tailor.
		O'CONNELL.	X
		Patrick O'Connell, of the Town of Barrie, Milkman.	

(3. In the case of Townships divided into Wards.)

FORM FOR REEVE.

 Election of Members of the Municipal Council of the Township of the County of Ward No. day of January, 18	FOR REEVE.	BARDELL.
		Thomas Bardell, of the Township of Peel, Yeoman.
		SNODGRASS.
		Alfred Snodgrass, of the Township of Peel, Yeoman.

FORM FOR COUNCILLORS.

	Election of Members of the Municipal Council of the Township of _____, in the County _____ of _____ Ward No. _____ day of January, 18 ____	FOR COUNCILLOR.	BULL. John Bull, of the Township of York, Doctor of Medicine.
			JONES. Morgan Jones, of the Township of York, Farmer.
			McALLISTER. Allister McAllister, of the Township of York, Farmer.
			O'CONNELL. Patrick O'Connell, of the Township of York, Lumber Merchant.
			RUAN. Malachi Ruan, of the Township of York, Farmer.
			SCHULTZE. Gottfried Schultze, of the Township of York, Farmer.
			WASHINGTON. George Washington, of the Township of York, Gentleman.

(4. In the case of Incorporated Villages and Townships not divided into Wards.)

	Election of Members of the Municipal Council of the Village (or Township) of _____, in the County of _____, Polling Subdivision No. _____, day of January, 18 _____.	FOR REEVE.	BROWN. John Brown, of the Village of Yorkville, Merchant.
			ROBINSON. George Robinson, of the Village of Yorkville, Physician.
		FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Village of Yorkville, Pumpmaker.
			BOYD. Zachary Boyd, of the Village of Yorkville, Tinsmith.
		FOR COUNCILLOR.	BULL. John Bull, of the Village of Yorkville, Butcher.
			JONES. Morgan Jones, of the Village of Yorkville, Grocer.
			McALLISTER. Allister McAllister, of the Village of Yorkville, Tailor.
			O'CONNELL. Patrick O'Connell, of the Village of Yorkville, Milkman.

NOTE.—In any case where there are two or more Deputy Reeves, the ballot paper will make provision accordingly, naming them as first Deputy Reeve, second Deputy Reeve, etc.

R. S. O. c. 174, Sched. A. (89 V. c. 5, Sched. A.)

SCHEDULE

SCHEDULE B.

(Sections 125 and 145.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X, on the right hand side, opposite the name or names of the candidate or candidates for whom he votes, or at any other place within the division which contains the name or names of such candidate or candidates (48 V. c. 24, s. 4).

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, *as the case may be*), signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded to the Deputy Returning Officer (or Returning Officer, *as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, *as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void so far as relates to that office, and will not be counted for any of the candidates for that office.

If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the officer, he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following forms of Ballot Paper, given for illustration, the Candidates are, for Mayor, JACOB THOMPSON and ROBERT WALKER; for Reeve, JOHN BROWN and GEORGE ROBINSON; for Deputy Reeve, JACOB ARMOUR and ZACHARY BOYD; and for Councillors, JOHN BULL, MORGAN JONES, ALLISTER McALLISTER and PATRICK O'CONNELL; and the elector has marked the first paper in favour of JACOB THOMPSON for Mayor, GEORGE ROBINSON for Reeve, and ZACHARY BOYD for Deputy Reeve, and has marked the second paper in favour of JOHN BULL and PATRICK O'CONNELL for Councillors:—

 Election for the Members of the Municipal Council of the Town of Ward No. , Polling Subdivision No. day of January, 18 .	FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant.	X
		WALKER. Robert Walker, of the Town of Barrie, Physician.	
	FOR REEVE. (if any).	BROWN. John Brown, of the Town of Barrie, Merchant.	
		ROBINSON. George Robinson, of the Town of Barrie, Merchant.	X
	FOR DEPUTY REEVE (if any).	ARMOUR. Jacob Armour, of the Town of Barrie, Pumpmaker.	
		BOYD. Zachary Boyd, of the Town of Barrie, Tinsmith.	X
 Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Subdivision No. day of January, 18 .	FOR COUNCILLOR.	BULL. John Bull, of the Town of Barrie, Butcher.	X
		JONES. Morgan Jones, of the Town of Barrie, Grocer.	
		McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
		O'CONNELL. Patrick O'Connell, of the Town of Barrie, Milkman.	X

R. S. O. c. 174, *Sched. B.* (38 V. c. 28, *Sched. B.*;
40 V. c. 7, *Sched. A.* (187).)

SCHEDULE

SCHEDULE C.

(Sections 128, 129, 130, 131, and 304.)

FORM IN WHICH THE VOTERS' LIST TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS.	Description of Prop- erty in respect of which the voter is entitled to vote.	Freeholder, House- holder, Tenant or Farmer's Son.	Residence of voter.	Objections.	Sworn or affirmed.	Refusal to swear or affirm.	Mayor and Reeve.	Councillors.	REMARKS.

NOTE. — In Cities, the column above headed "Mayor and Reeve" will be headed "Mayor;" and the column above headed "Councillors" will be headed "Aldermen." In Townships and Villages, the column above headed "Mayor and Reeve" will be headed "Reeve."

R. S. O. c. 174, Sched. C. (39 V. c. 5, Sched. B.; 40 V. c. 12, s. 17.)

SCHEDULE

SCHEDULE D.

(Section 134.)

CERTIFICATE AS TO ASSESSMENT ROLL.

Election to the Municipal Council of the

I, *A. B.*, of the Municipality of _____, in the County
 of _____, do hereby certify that the Assessment roll for this
 Township (or as the case may be) of _____ upon which the voters'
 list to be used at this election is based, was returned to me by the Assessor
 for said Township (or as the case may be) on the _____ day of
 _____, 18____, and that the same was finally revised and cor-
 rected on the _____ day of _____, 18____.
 Dated this _____ day of _____, 18____.

*A. B.**Clerk.*R. S. O. c. 174, *Sched. D.* (40 V. c. 12, *Sched. B.*)

SCHEDULE E.

(Section 148.)

FORM OF DECLARATION OF INABILITY TO READ, &c.

I, *A. B.*, of _____, being numbered _____ on the voters' list, for
 polling subdivision No. _____, in the City (or as the case may be) of
 and County of _____, being a legally qualified elector for the said City
 (or as the case may be) of _____, do hereby declare that I am unable to
 read (or that I am from physical incapacity unable to mark a voting paper,
 as the case may be).

(A. B. His X mark.)

The

day of

A.D. 18

R. S. O. c. 174, *Sched. E.* (38 V. c. 28, *Sched. D.*)

SCHEDULE F.

(Section 148.)

FORM OF ATTESTATION CLAUSE TO BE WRITTEN UPON OR ANNEXED TO THE
DECLARATION OF INABILITY TO READ, &c.

I, *C. D.*, the undersigned, being the Deputy Returning Officer for poll-
 ing subdivision No. _____, for the City (or as the case may be) of _____, do
 hereby certify that the above (or as the case may be) declaration, having
 been first read to the above-named *A. B.*, was signed by him in my pre-
 sence with his mark.

(Signed) *C. D.*,

Deputy Returning Officer for Polling Sub-
 division No. _____, in the City (or
 as the case may be) of _____

Dated this

day of

A.D. 18

R. S. O. c. 174, *Sched. F.* (38 V. c. 28, *Sched. E.*)

SCHEDULE

SCHEDULE G.

(Sections 154, 317 and 318.)

OATH OF DEPUTY RETURNING OFFICER AFTER THE CLOSING OF THE POLL.

I, *C. D.*, the undersigned Deputy Returning Officer for polling subdivision No. , of the City (or as the case may be) of , in the County of , do solemnly swear (or if he is a person permitted by law to affirm, do solemnly affirm) that to the best of my knowledge the annexed voters' list used in and for the said polling subdivision No. of the said City (or as the case may be), was so used in the manner prescribed by law, and that the entries required by law to be made therein were correctly made.

(Signed) *C. D.*,
Deputy Returning Officer.

Sworn (or affirmed) before me at , this day of
A.D. 18 .

(Signed) *X. Y.*,
Justice of the Peace.
Or *A. B.*,
Clerk of the Municipality of

NOTE.—The foregoing oath is to be annexed to the voters' list used at the election.

R. S. O. c. 174, Sched. G. (38 V. c. 28, Sched. F.)

SCHEDULE H.

(Section 169.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, *A. B.*, solemnly promise and declare that I will not at this election of members of the Municipal Council of the City (or as the case may be) of , disclose to any person or persons the name of any person who has voted, and that I will not in any way whatsoever unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Made and declared before me at , this day of ,
A.D. 18 .

C. D.,
Justice of the Peace (or Clerk
of the Municipality of).

R. S. O. c. 174, Sched. H. (38 V. c. 28, Sched. G.)

SCHEDULE

SCHEDULE J.

(Section 296.)

FORM OF BALLOT PAPER.

	Voting on By-law to (here insert <i>object of the by-law</i>), submitted to the Council of the	FOR The By-law.
	 18	AGAINST The By-law.

R. S. O. c. 174, Sched. J. (39 V. c. 35, Sched. A.)

SCHEDULE K.

(Sections 299 and 301.)

I, the undersigned *A. B.*, solemnly declare that I am a ratepayer of the Township (or as the case may be) of (the Municipality the Council of which proposed the by-law), and that I am desirous of promoting (or opposing, as the case may be) the passing of the by-law to (here insert object of the by-law), submitted to the Council of said Township (or as the case may be).

(Signature) *A. B.*

Made and declared before me this
 day of _____, A.D.

C. D.,
 Head of Municipality.

R. S. O. c. 174, Sched. K. (39 V. c. 35, Sched. B.)

SCHEDULE L.

(Section 308.)

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus X) on the right hand side, in the upper space if he votes for the passing of the by-law, and in the lower space if he votes against the passing of the by-law.

The voter will then fold up the ballot paper so as to shew the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without shewing the front of the paper to any person, deliver such ballot so folded

10 Copies

folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (or Returning Officer, as the case may be), he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law :—

	18 Voting on By-law to (here insert object of the by-law) submitted to the Council of the	FOR The By-law.	
		AGAINST The Bylaw.	

R. S. O. c. 174, *Sched. L.* (39 V. c. 35, *Sched. C.*)

SCHEDULE M.

(Section 824.)

FORM OF STATUTORY DECLARATION OF SECRECY.

I, A. B., solemnly promise and declare that, at the voting on the by-law submitted to the electors by the Council of the Township (or as the case may be) of (and the voting on which has been appointed for this day), I will not attempt in any way whatsoever unlawfully to ascertain the manner in which any elector shall vote or has voted, and will not in any way whatsoever aid in the unlawful discovery of the same; and I will keep secret all knowledge which may come to me, of the manner in which any elector has voted.

Made and declared before me at , this day of
 A.D. 18

C. D.,

Justice of the Peace (or Clerk
 of the Municipality of)

R. S. O. c. 174, *Sched. M.* (39 V. c. 35, *Sched. D.*)

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30
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32
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36
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38
39
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41
42
43
44

A TABLE

SHEWING THE

ACTS AND PARTS OF ACTS

Of the Legislative Assembly of the Province of Ontario, contained in

"THE CONSOLIDATED MUNICIPAL ACT, 1883,"

46 Victoria, Cap. 18.

R. S. O. c. 174.		CONSOLI-DATED IN	46 V. c. 18.		R. S. O. c. 174, <i>Continued.</i>		CONSOLI-DATED IN	46 V. c. 18.	
Sec.	Sub-s.		Sec.	Sub-s.	Sec.	Sub-s.		Sec.	Sub-s.
1			1		45			48	
2			2		46			49	
3			3		47			50	
4			4				Including 29-30 V. c. 51, ss. 52, 53, 55.		
5			5		48			51	
6			6					52	
7			7		49			53	
8			8		50			54	
9			9		51			55	
10			10		52			56	
11			11		53			57	
12			12		54			58	
13			13		55			59	
14			14		56			60	
15			15		57			61	
16			17		58			62	
17			18		59			63	
18			19		60			64	
19			20		61			65	
20			21		62			66	
21			22		63			67	
22			25		64			68	
23			26		65			69	
24			27		66				1
25			28						2
26			29		67			70	
27			30		68			71	
28			31		69			72	
29			32		70			73	
30			33		71			74	
31			34		72			75	
32			35		73			76	
33			36		74			77	
34			37		75			78	
35			38		76			79	
36			39		77			80	
37			40		78			81	
38			41		79			82	
39			42		80			83	
40			43		81			84	
41			44		82			85	
42			45		83			86	
43			46		84			87	
44			47		85			88	

R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.		R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.	
Sec.	Sub-s.		Sec.	Sub-s.	Sec.	Sub-s.		Sec.	Sub-s.
86			89		154			158	
87			90		155			159	
88			91		156			160	
89			92		157			161	
90			93		158			162	
91			94		159			165	
92			95		160			166	
93			96		161			167	
94			97		162			168	
95			98		163			169	
96			99		164			170	
97			100		165			171	
98			101		166			172	
99			102		167			173	
100			103		168			174	
101			104		169			175	
102			105		170			176	
103			106		171			177	
104			107		172			178	
105			108		173			179	
106			109		174			180	
107			110		175			181	
108			111		176			182	
109			112		177			183	
110			113		178			184	
111			114		179			185	
112			115		180			186	
113			116		181			187	
114			117		182			188	
115			118		183			189	
116			119		184			190	
117			120		185			191	
118			121		186			192	
119			122		187			193	
120			123		188			194	
121			124		189			195	
122			125		190			196	
123			126		191			197	
124			127		192			198	
125			128		193			199	
126			129		194			200	
127			130		195			201	
128			131		196			202	
129			132		197			203	
130			133		198			204	
131			134		199			205	
132			135		200			206	
133			136		201			207	
134			137		202			208	
135			138		203			209	
136			139		204			210	
137			140		205			211	
138			141		206			212	
139			142		207			213	
140			143		208			214	
141			144		209			215	
142			145		210			216	
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144			147		212			218	
145			148		213			219	
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148			151		216			222	
149			152		217			223	
150			153		218			224	
151					219			225	
152					220			226	
153					221			227	

R. S.
Con
Sec

222
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289

R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.		R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.	
Sec.	Sub-s.		Sec.	Sub-s.	Sec.	Sub-s.		Sec.	Sub-s.
222			228		290			298	
223			229		291			299	
224			230		292			300	
225			231		293			301	
226			232		294			302	
227			233		295			303	
228			234		296			304	
229			235		297			305	
230			236		298			306	
231			237		299			307	
232			238		300			308	
233			239		301			309	
234			240		302	1		310	1
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236			242		303			312	
237			243		304			313	
238			244		305			315	
239			245		306			316	
240			246		307			317	
241			247		308			318	
242			248		309			319	
243			249		310			320	
244			250		311			323	
245			251		312			324	
246			252		313			325	
247			253	1	314			326	
248			254		315			327	
249			255		316			328	
250			256		317			329	
251			257		318			330	
252			258		319		Repealed by 42 V. c. 31, s. 9, now	331	
253			259				Repealed by 44 V. c. 24, s. 32, which was and'd in ses- sion of 46 V., now	332	
254			260		320				
255			261					333	
256			262					334	
257			263		321			335	
258			265		322			336	
259			266		323			337	
260			267		324			338	
261			268	1	325			339	
262			269		326			340	
263			270		327			341	
264			271		328			442	
265			272	1	329				
266			273		330				
267			274			1			1
268			275			2			2
269			276			3			
270			277			4			
271			278			5			
272			279			6			
273			280			a			6 a
274			281			b			b
275			282			c			c
276		Including 29-30 V. c. 51, ss. 187, 188.	283			d			d
277			284		331				
278			285			a			a
279			287			b			b
280			288			c			c
281			289			d			
282			290						
283			291						d
284			292		332	1		344	1
285			293						
286			294			2			
287			295						2
288			296						
289			297						

R. S. O. c. 174, Continued.		CONSOLI- DATED IN		46 V. c. 18.		R. S. O. c. 174, Continued.		CONSOLI- DATED IN		46 V. c. 18.	
Sec.	Sub-s.			Sec.	Sub-s.	Sec.	Sub-s.			Sec.	Sub-s.
333	1			346	1	390					411
334				347		391					412
335				348		392					413
336				349		393					414
337				350		394		{ Including 29-30 V. c. 51, ss. 218, 219.			415
338				351		395					416
339				352		396				417	
340				359		397				418	
341				360		398				419	
342				361		399				420	
343				362		400				421	
344				363		401				422	
345				364		402				423	
346				365		403				424	
347				366		404				425	
348				367		405				426	
349				368		406				427	
350		{ Repealed and new section substit'd in session of 46 V., now	369	407		407				428	
				408		408		409		430	
351		{ Repealed and new section substit'd in session of 46 V., now	370	409		410				432	
				411		411		412		433	
352				412		413				435	
353				413		414				436	
354				414		415				437	
355				415		416				438	
356				416		417				439	
357				417		418				440	
				418		419				441	
				419		420				442	
358		{ Repealed and new section substit'd by 44 V. c. 24, s. 8, now	377	420		421				443	
				421		422		423		444	
359				422		424				445	
360				423		425				446	
361				424		426				447	
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363				426		428				449	
364				427		429				450	
365				428		430				451	
366				429		431				453	
367				430		432				454	
368				431		433				455	
369				432		434				456	
370				433		435				457	
371				434		436				458	
372				435		437				459	
373				436		438				460	
374				437		1				461	
375				438		2		{ Repealed and new sub-s. substituted by 44 V. c. 24, s. 10, now		462	
376				439							463
377				440						464	
378				441						465	
379				442						466	
380				443						467	
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R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.		R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.	
Sec.	Sub-s.		Sec.	Sub-s.	Sec.	Sub-s.		Sec.	Sub-s.
452			480		461	33		490	36
453			481			34			37
454			482			35			38
1			1		462			491	
2		See 43 V. c. 31, s. 15	2		463			492	
3			3		464			493	
4			9		465			495	
5			10		1				1
a			a		2				2
b			c		3		Repealed and new sub-s. substituted by 43 V. c. 24, s. 13, now		3
6			11		4				4
7			12		5				5
8			13		6				6
9			14		7				7
10			15		8				8
11			17		9				9
12			18		10				10
13			19		466			496	
14			20		1				1
15			21		2			503	1
16			22		3				2
17			23		4				3
18			24		5				4
455			485		6				5
456			486		7				7
457			487		8				8
458			488		9				9
459			489		10				10
460		Amended by 42 V. c. 31, s. 19, sub- sec. 1.	482		11				11
1			4		12				12
2			5		13				13
3			6		14				14
4			7		15		Repealed and new sub-s. substituted by 44 V. c. 24, s. 11, now	496	3
461			490		16				4
1			1		17				5
2			2		18				6
3			3		19				7
4			4		20				8
5			5		21				9
6			7		22				10
7			8		23				11
8			9		24				12
9			11		25				13
10			12		26				14
11			13		27				15
12			14		28				16
13			15		29				17
14			18		30				18
15			19		31				19
16			20		32		Repealed and new sub-s. substituted by 44 V. c. 24, s. 13, now		20
17			21		33				21
18			22		34				22
19			23		35				23
20			24		36				24
21			25		37				25
22			26		38				26
23			27		39				27
24			28		40				28
25			29		41				29
26			30						30
27			31						31
28			32						
29			33						
30			34						
31			35						
32									

R. S. O. c. 174, Continued.		CONSOLI- DATED IN		46 V. c. 18.		R. S. O. c. 174, Continued.		CONSOLI- DATED IN		46 V. c. 18.	
Sec.	Sub-s.			Sec.	Sub-s.	Sec.	Sub-s.			Sec.	Sub-s.
466	42			496	32		493				533
	43				33		494				534
	44				34		495				535
	45				35		496				536
	46				36		497				537
	47				37		498				538
	48				38		499				539
	49				39		500				540
	50				40		501				541
	51				41		502				542
	52				42		503				543
							504				544
							505				545
53		Repealed and new sub-s. substituted by 42 V. c. 31, s. 22, now	490	6			506				546
							507				547
							508				548
							509				550
467	54			496	45						
				504							
	1				1						1
	2				2						3
	3				3						4
	4				4						6
	5				5						7
	6				6						8
	7				7						9
	8				8						
	9				9						
	10				10		510				551
	11				11		511				552
	12				12		512				553
	13				13		513				554
	14						514				555
	15						515				556
	16						516				557
		Repealed by 46 V. c. 21, s. 14.					517				558
							518				559
468				505			519				560
469				506			520				561
							521				562
470		Amended by 46 V. c. 21, s. 14.	507				522				563
							523				564
471				508			524				565
472				510			525				566
473				511			526				567
474				513			527				568
		Repealed and new section substituted 43 V. c. 24, s. 16, now	514				528				569
							529				570

R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.		R. S. O. c. 174, Continued.		CONSOLI- DATED IN	46 V. c. 18.	
Sec.	Sub-s.		Sec.	Sub-s.	Sec.	Sub-s.		Sec.	Sub-s.
532	2		574	1	589			659	
533			575		590			660	
534			576		591			661	
535			577		592			662	
536			578		593			663	
537			579		594			664	
538	{	Repealed and new section substit'd in session of 46 V., now	580		595			665	
					596			666	
					597			667	
					Sch.	A	Sch.	A	
						B		B	
539			581	1				C	
540			582					D	
541			583					E	
542			584					F	
543			587					G	
544	{	Repealed and new section substit'd by 44 V. c. 24, s. 22, now	590					H	
								I	
								J	
								K	
								L	
545			591					L	
546			593						
547			594						
548			595						
549			596						
550			597						
551			612		41 V. c. 3.				
1			1		1			466	
2			2						
3			6						
4			7						
552	Part		8	c	41 V. c. 8.				
553			4		19			146	
554		Effete.	3						
555			624		41 V. c. 9.			509	
556			496	44					
557			625		41 V. c. 11.				
558			626		1			529	
559			628						
560			629		42 V. c. 8.			509	
561			630						
562			632						
563			633						
564			634						
565			635						
566			636						
567			637						
568			638						
569			639						
570			640						
571			641		42 V. c. 24.				
572			642						
573			643		7			279	
574			644						
575			645						
576			646		42 V. c. 31.				
577			647						
578			648						
579			649						
580			650		2			177	1
581			651		4			109	
582			652		5			110	
583			653		6			112	1
584			654		7			116	
585			655		8			253	2
586			656		9			331	
587			657		10			342	3
588			658						4
									5

42 V. c. 31. Continued.		CONSOLI- DATED IN	46 V. c. 18.		43 V. c. 25.		CONSOLI- DATED IN	46 V. c. 18.	
Sec.	Sub-s.		Sec.	Sub-s.	Sec.	Sub-s.		Sec.	Sub-s.
11			342	6 d	1		Effete.		
13			344	2	2		"		
14			414		3		"		
15			421						
16			465						
17	1		469		43 V. c. 26.				
18	2		471						
19	1	Amends	482	20	1			520	
		"		4					
		"		5					
		"		6					
		"		7					
	2			8	43 V. c. 27.				
20			503	6					
21			618		10	1		612	2
22			490	6		2		612	5
23			286		11	1	Part	619	
24	{	Repealed by 44 V. c. 24, s. 23.				2	Effete. Sec.		2
25			345			3	Effete. Sec.		3
26			570	2		4			4
27			572	1		5			5
28			583		12	6			6
29			521	7				620	
30				8	13		Sec.	621	
31			484		14			622	1
34			482	10 b	16	2		322	4
35			523		17			631	
					21			521	6
43 V. c. 6.		Sec.	509		43 V. c. 31.				
					15			482	2
43 V. c. 24.					43 V. c. 35.				
2	1		69	1					
	a			2	5			478	
3			73						
4			145		44 V. c. 24.				
5			220						
6			264		1			144	
8			294	2	2			154	1 p
9			433	3	3			154	2
				4	4			171	
				5	5			280	3
10			469		6			346	2
11			{ 465		7			347	
12			{ 469		8			377	
13			470	3	9			459	3
14			{ 495		10			461	2
			{ Schedule		11			{ 496	4
			{ B, para. 1		12				5
15			496	46	13				7
16			514		14				22
17			494						47
18			530						48
19			472						
20			452		15			549	1
21			496	43	16				2
22			268	2	17			566	2
				3	18			567	1
23			574	2	19				2
24			490	6	20				3
25			511	2	21			572	2
27			463	2					

[illegible]

NEW SECTIONS INTRODUCED IN THE SESSION OF 46 VICTORIA.

Section.	Sub-section.	Section.	Sub-section.
16		573	
23		580	
73		582	2
143			3
162	3		4
	4	588	
	5	589	
	6	613	
	7	614	
	8	615	
163		616	
164		617	
272	2	622	2
321		623	
369		668	
370			

See also 46 V. c. 17, and 46 V. c. 21, page 261.

INDEX.

	PAGE
ABSENCE—	
See MUNICIPAL OFFICERS and ELECTIONS.	
ACCOUNTS—	
See FINANCE.....	117
ACTION—	
For damages caused by neglect to keep roads in repair	188
Limitation of	188
None to be brought for mistakes in opening road allowances.....	193
ADJOURNMENT—	
Of meeting of Municipal Council.....	76
AGENTS—	
See ELECTIONS.	
Voting on by-laws—to be appointed by head of Municipality	94
Declaration by—form of	94
To produce authority before admission to polling place	94
Provision for absence of.....	94
May vote where engaged as	95
Certificate to entitle same.....	95
AGRICULTURAL ASSOCIATIONS—	
By-laws for granting aid to	149
ALDERMEN—	
Three for each ward	25
Property qualification of	27
May resign—when	63
Declaration of qualification of	85
“ of office of	86
“ before whom to be made.....	87
May administer oaths and declarations	87
Penalty for refusing to accept office or make the necessary declarations.....	87
To be a Justice of the Peace <i>ex officio</i>	129
After having taken declaration as Alderman no other qualification required... 130	
ALGOMA, MUSKOKA, PARRY SOUND, NIPISSING AND THUNDER BAY—	
Act respecting, not affected ..	240
ALMSHOUSES—	
By-laws for establishing and regulating.....	179
AMHERSTBURG—	
Act respecting, not affected	239
AMUSEMENT (Places of)—	
By-laws for regulating and licensing	161
ANIMALS—	
By-laws for preventing cruelty to	158
“ for restraining and regulating the running at large of	162
“ for regulating the buying and selling of	177

ANNEXATION—

PAGE

Of Villages and Towns to adjacent Villages, Towns or Cities—when and how. 11

ANTICIPATORY APPROPRIATION—

Provisions respecting..... 116
See BY-LAWS.

ARBITRATIONS—

Appointment of Arbitrators.

In writing, under hands of appointers 121
 In case of Corporations—under the Corporate Seal and authenticated as a
 By-law 121
 To be appointed by the Council 121
 or the head thereof if authorized By-law 121
 Notice of appointment to be given to the head of the Corporation..... 121
 Either party may appoint..... 121
 The arbitrators to appoint a third ... 122
 When more than two Municipalities interested 122
 Lieutenant-Governor in Council may appoint, in case of neglect to appoint.... 122
 When real property is taken or injured 122
 (1) When owner appoints an arbitrator 122
 (2) When owner does not appoint an arbitrator 122
 In case several persons have distinct interests in the property 123
 In default County Judge may appoint an arbitrator in certain cases 123
 Award to be made within one month after appointment of third arbitrator 123
 Corporation officers disqualified from acting as arbitrators..... 123

Procedure.

Arbitrators to be sworn..... 124
 Form of oath 124
 Time of meeting 124
 may adjourn from time to time..... 124
 Award to be made in writing 124
 One copy to be filed with Clerk..... 124
 If it relates to drainage works, one copy to be registered 124
 Costs in discretion of arbitrators..... 124
 may be taxed and revised 124
 A majority to decide 124
 Notes of evidence to be taken—when..... 125
 To be filed with Clerk together with documents 125
 If arbitrators act on their own knowledge or skill, they are to state same..... 125
 Award to be adopted by by-law in certain cases 125
 Award to be under the hands of all or two of the arbitrators 125
 To be subject to jurisdiction of High Court of Justice 125
 Powers of the Court..... 125
 May be referred back as provided by the "Common Law Procedure Act"..... 125

ARBITRATORS—

Persons disqualified to act as 123
See ARBITRATION—BY-LAWS—and LOCAL IMPROVEMENTS.

AREA—

Of new Towns and Villages 6
 Enlargement of—
 Towns and Villages 6
 Cities and Towns..... 11
 Mode of reckoning 6
 Reducing area of existing Villages and Towns—when and how made..... 8

ARREST—

Without warrant for alleged breach of the peace..... 138

ARTS' ASSOCIATIONS—

By-laws for granting aid to 149

INDEX.

265

ASHES—

By-laws for regulating the removal and keeping of.....	169
Regulations respecting in Police Villages	238

ASSESSMENT—

For Local Improvements	205
Complaints against to be tried at Court of Revision	206
Court of Revision to be constituted in same manner and have the same powers as under "The Assessment Act"	206
Copy of Roll to be transmitted to	206
Appeal to County Judge	206
Power of County Judge on appeal	206
Variations in Roll on complaint or appeal—how to be made.....	207
By-law to be amended if assessment altered on complaint or appeal.....	208
For repairs to works paid for out of General Funds	214
Complaints against assessment under By-law of County passed on application of Minor Municipality to be lodged with County Clerk	217
For Local Improvements in Cities, Towns and Villages.....	221
Appeal as in cases of ordinary assessment.....	221
An equitable assessment may be made in certain cases	223

See By-Laws and LOCAL IMPROVEMENTS.

ASSESSMENT COMMISSIONERS—

See MUNICIPAL OFFICERS.

ASSESSMENT ROLL—

When to be considered finally revised and corrected	47
---	----

ASSESSORS—

See MUNICIPAL OFFICERS.

AUCTIONEERS—

By-laws for regulating and licensing	164
--	-----

AUDIT—

Provisions relating to.....	83
-----------------------------	----

AUDITORS—

See MUNICIPAL OFFICERS.

AVENUES—

By-laws for acquiring.....	187
----------------------------	-----

AWARD—

Time within which it must be made	123
To be in writing	124
See ARBITRATION.	

BAGATELLE TABLES—

By-laws respecting	156
--------------------------	-----

BAILIFF—

See HIGH BAILIFF	137
------------------------	-----

BALLOT BOXES—

See ELECTIONS.

BALLOT PAPERS—

For voting on By-laws	94
See ELECTIONS.	

BANKERS—

Municipal Council not to act as	128
---------------------------------------	-----

BATHING—	PAGE
By-laws for preventing and regulating	161
BAYS—	
By-laws respecting	148
BEACONS—	
By-laws respecting.....	149
BEGGING—	
By-laws for preventing	167
BELLS—	
By-laws respecting ringing of	167
BILLIARD TABLES—	
By-laws for licensing and regulating	156
BILLS OF MORTALITY—	
By-laws for keeping and returning	168
“ for imposing penalties for default	168
BIRDS—	
By-laws for preventing the destruction of.....	158
BLASPHEMY—	
By-laws for preventing	161
BOARD OF AUDIT—	
Appointment of members of.....	182
BOARD OF ASSESSORS—	
See MUNICIPAL OFFICERS.	
BOILERS—	
By-laws for regulating	169
BONUSES—	
See MANUFACTORIES and RAILWAYS.	
BOOMS—	
By-laws for protecting and regulating.....	182
BOUNDARIES—	
By-laws for ascertaining and establishing	161
May be maintained by County Council	189
BOWLING ALLEYS—	
By-laws for regulating and licensing	161
BREAD—	
By-laws respecting	153
“ for regulating assize of	178
“ for seizing bread made contrary to by-law	178
BRIBERY—	
See CORRUPT PRACTICES.	
BRIDGE COMPANIES—	
By-laws for granting privileges to	195
BRIDGES—	
By-laws respecting	150
Possession of, in Municipality.....	187

BRIDGES—*Continued.*

	PAGE
Under jurisdiction of County, may be assumed by Village	187
Village to be liable for repairs.....	188
Belonging to Dominion, not to be interfered with without consent of Dominion Government.....	191
By-laws for aiding adjoining Municipality to open and maintain.....	197
" for making, repairing, etc.....	199
" by County for aiding Municipalities within the County in making, etc.	200
" by Townships, for aiding County and adjoining County in making, etc.	201
See HIGHWAYS and ROADS.	

BUILDINGS—

By-laws for erecting and selling	148
" for regulating doors, stairs, etc., in Public Buildings	151
" to compel plans to be furnished	171
" for regulating the erection and construction of.....	179

BURNING STUMPS, ETC.—

By-laws for regulating	159
------------------------------	-----

BUTCHERS—

By-laws for regulating	177
------------------------------	-----

BY-LAWS—

Council may repeal, alter and amend, except as restrained by law	91
How to be authenticated	91
Certified copy of, may be used in evidence	92
By-laws requiring assent of Lieutenant-Governor, how to be authenticated ...	92
Objections to by ratepayers, how to be made	92
when by-laws shall not pass	92

Voting on.

If assent of electors required	93
By-law shall fix time and place of voting	93
shall be published	93
with notice signed by Clerk.....	93
what notice shall state	93
Ballot papers to be printed	94
Form of	94
Day for attending at polling places and summing up votes to be appointed ...	94
Appointment of agents by head of the Municipality.....	94
To make declaration	94
Form of.....	94
Agents to produce authority before admission to polling place.....	94
Provision for absence of agent.....	94
Who may be present in polling place	94
Deputy Returning Officers, Poll Clerks and agents, if qualified, may vote where engaged.....	95
Certificate to entitle same	95
Who may administer oath to Deputy Returning Officer.....	95
In Municipalities divided into wards, Clerk to furnish Deputy Returning Officers with voters' lists	95
In Municipalities not divided into wards, Clerk shall perform duties of election for whole Municipality	95

The Poll.

When to be held.....	96
Votes to be by ballot.....	96
Proceedings at Municipal Election provided for in sections from 119 to 175 to apply	96
Form of directions for guidance of voters.....	96

By-Laws—Continued.

	PAGE
Who may vote on By-laws	96
Freeholders	96
In case of new Municipality.....	96
Form of oath of.....	97
Leaseholders	96
For local improvements under section 620	97
Form of oath of	99
In case of new Municipality.....	97
Form of oath of	98
Unmarried women and widows may vote if qualified	97
No enquiries to be made of voter except as to facts specified in oath	99
Statement to be made by Deputy Returning Officer at close of poll.....	99
What it shall contain.....	99
Objections to ballots	99
To be noted and numbered	99
Duties of Deputy Returning Officer after votes are counted	100
Deputy Returning Officer to—	
Certify on voters' list number of persons who have voted	100
Make declaration as to use of voters' list—Form of.....	100
Give certificates of state of poll	100
Return ballot box to Clerk	100
Clerk to cast up votes—and declare the result	101
To certify the result to the Council	101
Clerk or other officer not to have casting vote—when.....	101
By-laws which require the assent of two-fifths of ratepayers—what.....	101
Clerk to certify respecting.....	101
Disputes may be determined by County Judge.....	101
Who may petition the Judge	101

Secrecy of Proceedings.

To be maintained at the polling	101
Voters not to be interfered with	101
No information to be given as to how any one voted	102
To be maintained at counting ballots.....	102
Voters not to be induced to disclose how they voted	102
Penalty for contravention.....	102
Declaration of secrecy	102
Before whom to be made	102
Form of.....	102

Scrutiny.

May be obtained on petition to the County Judge	102
Security required	102
Time and place for, to be appointed	102
Notice to be given	102
Clerk to attend with ballot papers	103
Proceedings upon	103
Judge to have same powers as upon the trial of validity of a Municipal Election	103
Costs in discretion of Judge.....	103
Council shall not pass the by-law until after the petition is disposed of.....	103
“ shall pass by-law to which the electors have assented, within six weeks.	103

Confirmation of By-laws.

Promulgation of, to be by publication in the public press.	103
Notice to be appended	104
Form of notice	104
To be valid if no application be made to quash it, within three months from third publication.....	104

By-Laws—Continued.

PAGE

Quashing By-laws.

Proceedings to quash by-law	104
Who may apply	104
What applicant must show	104
Copy of by-law to be produced.....	104
Four days' notice of the rule to quash required	104
To be made within one year.....	105
Except by-laws requiring the assent of the electors which has not been obtained, which may be made at any time.....	105
To be made within three months from promulgation of by-law imposing a rate.....	105
Obtained by bribery, etc.....	105
Enquiry may be directed to be made before the County Judge	105
Witnesses to be examined orally on oath	105
Evidence taken before County Judge to be returned to the High Court of Justice	105
Proceedings thereon	105
Costs in discretion of Judge.....	105
Proceedings under the by-law to be stayed after service of a copy of order directing the enquiry.....	106
Stay of proceedings may be removed—when.....	106
Action for illegality to be brought against Corporation alone	106
Not to be brought until after by-law has been quashed	106
And one month's notice of action required	106
Tender of amends	106
Costs	106

By-laws Creating Debts.

Council may pass by-laws for borrowing money and levying rates for payment thereof	106
Terms of—	
To name a day in the financial year when it is to take effect.....	107
Except for creating a debt for purchase of public works.. ..	107
To be repayable in twenty years at furthest	107
If the debt be for gas or water-works to be repayable in thirty years at furthest.....	107
The yearly rate	107
Interest not to exceed five per cent. per annum, to be capitalized yearly...	107
The special rate to be levied annually on all the ratable property	107
If for Local Improvements on all property ratable under the By-law.....	107
What by-law shall recite (unless for work payable by local assessment)—	
Amount and object of debt	107
Amount to be raised annually	107
Value of the ratable property	107
The amount of existing debt.....	107
Amount (if any) in arrear.....	107
Not necessary to recite the debt secured by local assessment in by-law for borrowing on credit of Municipality at large	228
What by-law for work payable by local assessment shall recite, amount and object of debt	108
Amount to be raised annually	108
Value of the ratable property	108
That the debt is created on security of the special rate only	108
Principal may be made repayable in equal annual instalments	108
What the by-law shall recite.....	108
Special rates to be a charge on property	108
Collectable as ordinary taxes	108
Must receive assent of electors.....	109
Exceptions—	
For drainage under section 570	109
For work payable by local assessment	109

By-Laws—Continued.

PAGE

Exceptions—

In Counties not exceeding \$20,000 in any one year	109
For erection of Court House and offices by County and City united for judicial purposes	109
By County Council—	
For extraordinary expenditure not exceeding \$20,000 in any one year ..	109
Special meeting to be called	109
Three months' notice to be given	109
Form of notice	109
Cannot be repealed or altered until debt paid	110
Except as to residue when only part of money raised	110
Council shall not apply to any other purpose moneys directed to be applied for payment of the debt	110
No Municipal Officer to neglect to carry out By-law on ground of its repeal by an illegal law	110
Municipal Councils may purchase public works	110
And contract debts to Her Majesty though no special or annual rate settled	110
Council may pass By-law to impose special rate for payment	111
To be valid though the rate be less than is required by sections 342 to 344 ..	111
These sections to apply so far as applicable	111

Registration of.

What By-laws shall be registered	111
By whom to be registered	111
Within two weeks of the final passing	111
Application to set aside registration	111
To be within three months from registration	111
Certificate of lispensens to be registered within such three months	111
Form of	112
By-law to be valid after three months from registration unless quashed.....	111
Certificate of dismissal may be registered	111
Form of	113
Publication of notice of passing	112
Form of notice	112
By-laws relating to Local Improvements may be registered, but registration not required	112
Registrar's fees	113

Respecting yearly rates.

Council shall levy each year a sufficient sum to pay all valid debts of the Corporation falling due within the year	113
To be levied on all ratable property	113
Not to exceed an aggregate of two cents in the dollar, exclusive of school rates ..	113
Provision when such aggregate not sufficient to pay the debts payable within the year	113
Provisions of any special Act not affected	114
Mode of calculating the rates	114
Annual estimates to be made	114
Council may pass by-laws to raise the sums required on such estimates	114
When amount collected is less than amount required	114
When amount collected exceeds the amount required	114
Yearly rates to be due from 1st January unless otherwise provided	114
Priority of debentures	115
How rates for paying them to be calculated	115
To be applied solely to the payment issued under the same by-law	115
Manufactories may be exempted from taxation, when	115
Rate for sinking fund, if required to be levied	115
The rate imposed by a by-law may be reduced, when	115
Must be approved by the Lieutenant-Governor in Council	115

By-LAWS—Continued.

PAGE

Anticipatory Appropriations.

Council may make anticipatory appropriation for the next ensuing year	116
Manner in which the same may be done	116
What the by-law shall recite	116
Not to be valid unless approved by the Lieutenant-Governor in Council	117
After the dissolution of a union the Municipality may make, in aid of Junior Municipality	117

Offences Against.

By whom may be tried	129, 130
Recovery of penalties	130
Witnesses in prosecutions under, who competent and compellable to give evidence	131
May be compelled to attend	132
Form of conviction	132
Compliance with may be compelled in a summary manner in certain cases . .	154

(1) OF MUNICIPAL COUNCILS.

Agricultural Associations.

For granting aid to	149
-------------------------------	-----

Almshouses.

For establishing and regulating	179
---	-----

Animals.

For preventing cruelty to	158
For restraining and regulating the running at large of	162

Arts Associations.

For granting aid to	149
-------------------------------	-----

Ashes.

For regulating the removal and keeping of	169
---	-----

Auctioneers.

For regulating and licensing	164
--	-----

Avenues.

For acquiring property for	187
--------------------------------------	-----

Bathing.

For preventing and regulating	161
---	-----

Bays.

For preventing the fouling of, etc.	148
For removing obstructions to	148
For maintaining, etc.	149

Beacons.

For granting aid for construction of	149
Assent of electors required	149
Security may be taken	149

Begging.

For preventing begging	167
----------------------------------	-----

Billiard and Bagatelle Tables.

For licensing and regulating	156
--	-----

By-Laws—Continued.

PAGE

Bills of Mortality.

For keeping and returning	168
For imposing penalties for default	168

Birds.

For preventing the destruction of	158
---	-----

Blasphemy.

For preventing	161
----------------------	-----

Boilers.

For regulating	169
----------------------	-----

Booms.

For protecting and regulating	182
-------------------------------------	-----

Boundaries.

For ascertaining and establishing	161
---	-----

Bowling Alleys.

For regulating and licensing	161
------------------------------------	-----

Bridge Companies.

For granting aid to, by taking stock in, lending money to, or granting bonuses to	150
Assent of electors required	150
For granting privileges to	195

Bridges.

For regulating the driving on	150
For acquiring by Village, bridge under jurisdiction of County	187
Liability of Village for repairs	188
For aiding adjoining Municipalities to construct and maintain	197
For building, repairing, etc.	199
By County for aiding Municipalities within the County in building, etc.	200
By townships for aiding County and adjoining County in building, etc.	201
See HIGHWAYS AND ROADS.	

Bread.

For seizing and forfeiting, when of light weight	153
For regulating the assize of	178
For seizing bread made contrary to by-laws	178

Buildings.

For erecting and disposing of	148
For regulating the size and number of doors, etc., in Public Buildings	151
For compelling plans to be furnished	171
For regulating the erection and construction of	179

Burning Stumps, etc.

For regulating	159
----------------------	-----

Cabs.

For regulating and licensing	181
For regulating fares	181, 182

Cab Stands.

For assigning stands for cabs, etc.	172
For erecting covered booths	172

By-Laws—Continued.

	PAGE
<i>Canada Thistles.</i>	
For preventing growth of	159
<i>Carriages.</i>	
For regulating and licensing ..	181, 182
<i>Cattle.</i>	
For preventing or regulating the keeping of	167
<i>Cellars.</i>	
For requiring levels of, to be furnished to Council	171
For regulating the construction of	171
For cleaning of	171
<i>Cemeteries.</i>	
For acquiring property for	157
Provisions respecting	157
For selling or leasing portions	157
For preventing the violation of	158
<i>Census.</i>	
For taking a census of the inhabitants	150
<i>Charities.</i>	
For granting aid to	150, 179
<i>Chimneys.</i>	
For regulating the construction of	169
<i>Circus Riding.</i>	
For regulating and licensing	159
<i>Colleges.</i>	
For supporting students at	165
For endowing fellowships	165
<i>Cow-Byes.</i>	
For preventing or regulating	167
<i>Cranes.</i>	
For erecting and maintaining	149
<i>Dangerous Places.</i>	
For making regulations respecting	194
<i>Debitures.</i>	
For guaranteeing by County	182, 200
See DEBENTURES.	
<i>Derricks.</i>	
For erecting and maintaining	149
<i>Dirt.</i>	
For compelling the removal of	170
<i>Disorderly Houses.</i>	
For suppressing	161
<i>Disorderly Persons.</i>	
For restraining and punishing	161
<i>Distilleries.</i>	
For preventing or regulating	167

BY-LAWS—Continued.

PAGE

Docks.

For preventing incumbering of	148
For removing of obstructions to	148
For maintaining	149
For regulating	149
For granting aid to	149
Assent of electors required	149
Security may be taken	149

Dogs.

For regulating and taxing	158
For killing those running at large contrary to by-law	158

Doors.

For regulating the size and number of, in Public Buildings	151
--	-----

Drains and Drainage.

For preventing the injuring and fouling of	148
For removing obstructions to	148
For opening, making, etc.	151
For opening, making, etc., across railway lands	151
For cleaning of, etc.	171
For making regulations respecting	172
For charging rent for	172
For acquiring land in another Municipality for	172
For borrowing money for	181
See LOCAL IMPROVEMENTS.	

Driving.

For regulating	150
For preventing on sidewalks	168

Electors.

For disqualifying for non-payment of taxes	156
--	-----

Elevators.

For erecting and maintaining	149
------------------------------------	-----

Engineers.

For appointing	163
----------------------	-----

Exhibitions.

For regulating and licensing	159, 161
For imposing fines for infringing	159
Where and when licenses not to be granted	159
For acquiring lands for	179
For selling same, when no longer required	179
For erecting buildings and managing	179

Fairs.

For authorizing the holding of	165
--------------------------------------	-----

Fellowships.

For endowment of	165
------------------------	-----

Fences.

For regulating the height, etc., of	158
For protecting animals from barbed wire fences	158
For regulating the construction of	179

Ferries.

For regulating and licensing	164
------------------------------------	-----

BY-LAWS—Continued.

PAGE

Fifth.

- For preventing the throwing of, into streets..... 159

Fines and Penalties.

- For inflicting, not exceeding fifty dollars, for —
 (a) neglect of duty or refusal to accept office..... 151
 (b) breach of by-laws..... 151
 For collecting penalties and costs by distress..... 151
 For imprisonment in default of payment and distress..... 152
 Not longer than twenty-one days..... 152
 Except for breach of City By-laws..... 152
 " for keeping house of ill-fame..... 152

Fire.

- For renting fire appliances..... 153
 For regulating the burning of stumps..... 159
 For preventing or regulating the use of, in stables, shops, etc..... 169
 For making provisions against..... 169
 For inspecting premises..... 170
 For demolishing houses to prevent spreading of..... 170
 For enforcing assistance at..... 170

Fire-arms and Fire-works.

- For preventing the firing of..... 168

Fire Companies.

- For establishing and regulating..... 169
 For appointing firemen..... 169

Footpaths.

- For setting aside portion of highway for..... 202
 For imposing penalty for driving on..... 202

Free Libraries.

- For establishing..... 173

Gambling.

- For suppressing..... 161
 For seizing and destroying devices for..... 161

Gardens.

- For acquiring property for and managing..... 179
 For selling same when no longer required..... 179

Gas and Gas Works.

- For permitting the laying down of gas pipes, etc..... 160
 For aiding Gas Companies..... 160
 Assent of electors required..... 160
 Head of Corporation to be a Director in certain cases..... 160
 For preventing or regulating gas works..... 167
 For constructing gas works and levying an annual special rate for payment..... 180
 Assent of electors required..... 180
 Estimates, etc., to be published..... 180
 By-law to be passed within three months..... 180
 If rejected no other to be submitted within the year..... 180

Gravel.

- For preserving or selling on road allowances..... 195

Graves.

- For preventing violation of..... 158

BY-LAWS- *Continued.*

PAGE

<i>Harbours.</i>	
For preventing encumbering of, etc	148
For removal of obstructions.....	148
For maintaining	149
For regulating	149
For granting aid to.....	149
Assent of electors required	149
Security may be taken	149
For regulating vessels arriving in	149
For regulating harbour dues.....	149
For granting aid to—by taking stock in, lending money, or granting bonuses to	150
<i>Hawkers.</i>	
For regulating and licensing	164
<i>Health.</i>	
For providing for	168
<i>High Schools.</i>	
For acquiring property for and aiding	165
For supporting pupils at	165
<i>Highways.</i>	
For regulating the driving and riding on	150
For opening and making, etc., across railway lands	151
See HIGHWAYS.	
<i>Horses.</i>	
For regulating the riding and driving of	150
For preventing horse-racing	161
For regulating and licensing	181, 182
<i>Horticultural Associations.</i>	
For granting aid to	149
<i>Houses.</i>	
For numbering	170
<i>Houses of Ill-fam.</i>	
For suppressing	161
<i>Hydrants.</i>	
For renting.....	153
<i>Importuning Travellers.</i>	
For preventing	168
<i>Indigent Persons.</i>	
For granting aid to	150
<i>Industrial Farms.</i>	
For acquiring property for	179
For selling same when no longer required.....	179
For erecting buildings and managing	179
<i>Intelligence Officers.</i>	
For licensing, regulating, or prohibiting	178
<i>Interments.</i>	
For regulating.....	168
<i>Intoxicating Drinks.</i>	
For preventing sale of, to children, etc.....	160

PAGE
148
148
149
149
149
149
149
149
149
150
150
151
151
150
161
181, 182
149
170
161
153
168
150
179
179
179
178
168
160

INDEX.	277
BY-LAWS— <i>Continued.</i>	PAGE
<i>Inspection of Provisions.</i>	
For providing for	173
<i>Inspectors of House of Industry.</i>	
For appointing	163
<i>Insulting Language.</i>	
For preventing use of	161
<i>Junk Stores.</i>	
For licensing and regulating.....	166
<i>Ladders.</i>	
For compelling the erection of.....	169
<i>Landmarks.</i>	
For erecting, to mark concessions, etc.....	162
<i>Lands.</i>	
For acquiring, in another Municipality for the purposes of drainage, etc.....	172
For acquiring, for exhibition purposes	179
For industrial farms, parks, gardens, etc.....	179
For acquiring, for opening roads, etc.....	194
For acquiring, for opening roads on railway lands, etc.....	194
<i>Lights.</i>	
For preventing or regulating the use of.....	169
<i>Livery Stables.</i>	
For regulating and licensing.....	181, 182
<i>Local Improvements.</i>	
See LOCAL IMPROVEMENTS.	
<i>Manufactories.</i>	
For granting aid by way of bonus to	149
Assent of electors required	150
Shareholder in company or person interested in not to vote.....	150
Security may be taken	150
For preventing or regulating	167
For preventing or regulating dangerous manufactures	169
<i>Markets.</i>	
Market regulations may be made and fees imposed, subject to certain re-	
strictions	173-176
For establishing and regulating	176
For regulating the sale by retail of articles in the public streets	177
For regulating the buying and selling of animals, produce, meat, etc.....	177
For preventing forestalling	177
For regulating hucksters	177
For regulating the mode of measuring and weighing of certain articles	177
For imposing penalties for light weight, etc	177
For regulating the vehicles, vessels, etc., used in the market	178
For selling meat distrained for rent of stalls.....	178
For regulating the assize of bread	178
For preventing use of deleterious materials in bread	178
For seizing bread made contrary to by-law ..	178
<i>Mechanics' Institutes.</i>	
For granting aid to.....	149
<i>Medals.</i>	
For giving to persons distinguishing themselves at fires.....	169



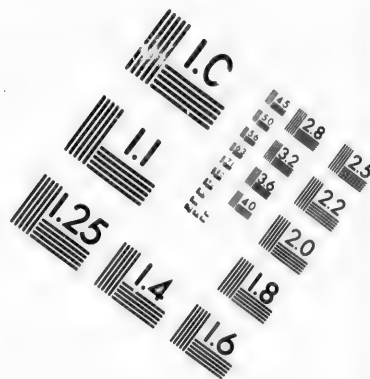
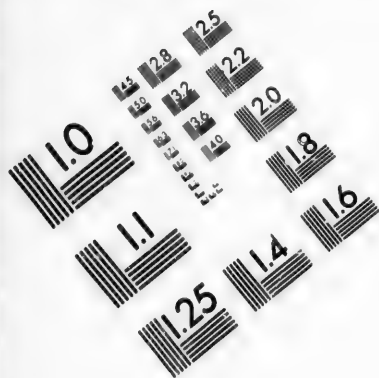
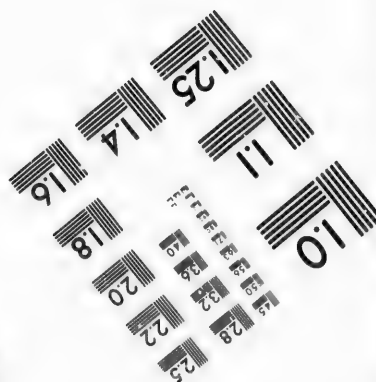
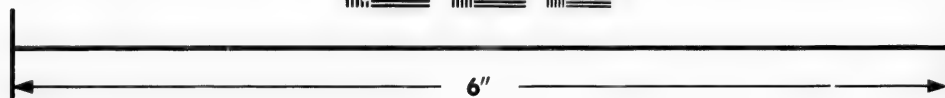
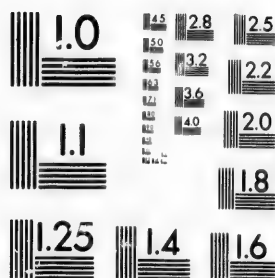


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BY-LAWS—Continued.	PAGE
<i>Mendicants.</i>	
For restraining and punishing ..	161
<i>Monuments.</i>	
For erecting, to mark concessions, etc.....	162
<i>Noises.</i>	
For preventing	167
<i>Nuisances.</i>	
For preventing and abating.....	167
<i>Numbering Houses and Lots.</i>	
To provide for.....	170
Record of numbers to be kept	171
<i>Officers.</i>	
For appointing municipal officers	148
<i>Omnibuses.</i>	
For regulating and licensing	181, 182
<i>Ornamental Trees.</i>	
For removing of	152
For planting and preserving of.....	153
Not to be cut down by any one without permission of the Council	153
For preventing the destroying of	160
<i>Ovens.</i>	
For regulating.....	169
<i>Party Walls.</i>	
For regulating the erection of.....	169
<i>Pedlars.</i>	
For regulating and licensing	164
<i>Piggeries.</i>	
For preventing or regulating	167
<i>Police.</i>	
For establishing, regulating and maintaining	179
For aiding and assisting superannuation and benefit funds	179
<i>Polling Subdivisions.</i>	
For dividing Municipality into	156
And establishing polling places	156
<i>Poor Persons.</i>	
For granting aid to.....	150
<i>Pounds.</i>	
For providing	162
<i>Privy Vaults.</i>	
For preventing or regulating	167
For regulating the construction of	171
For draining of, etc	171
<i>Property.</i>	
For obtaining, for use of Corporation.....	148
For selling	148
For school purposes	157

By-Laws—*Continued.*

PAGE

For cemeteries	157
For preventing the destroying of	160
For acquiring for exhibitions, parks, etc.	179
For selling when no longer required	179
By Township for acquiring or renting a Town Hall	184
For avenues and sidewalks and increasing width of roads	187

Public Fairs.

For authorizing the holding of	165
--------------------------------------	-----

Racing.

For preventing	150, 161
----------------------	----------

Railways.

For aiding—by subscribing for stock in, or lending money to, or guaranteeing payment of money by	230
For guaranteeing payment of debentures by	231
For levying a rate for payment	231
For issuing debentures in aid of	231
For granting bonuses to	231
For issuing debentures to meet bonuses	231
Form of debentures	231
Assent of electors necessary	231
For authorizing building of railways or tramways on Municipal property	231

Reservoirs.

For establishing	167
------------------------	-----

Rewards.

For offering, for the apprehension of criminals	153
For offering, for the conviction of persons guilty of horse stealing	163
For granting, to persons distinguishing themselves at fires	169

Riding.

For regulating	150
For preventing riding on cars, etc., by children	173

Rivers.

For preventing the fouling of	148
For preventing the obstructing of	148
For maintaining, etc.	149

Road Companies.

For granting privileges to	195
----------------------------------	-----

Roads.

For aiding—by taking stock in, lending money or granting bonuses to	150
Assent of electors required	150
For preventing obstructions to	170
For acquiring property to widen	187
For opening or stopping up, and for taking lands therefor	194
For opening, etc., on railway lands	194
For searching for and taking materials for repairing	195
For selling certain road allowances	195
For aiding adjoining Municipalities to open and maintain	197
For granting aid to County for making new roads	197
For stopping up and sale of road allowances by County Council	199, 201
For opening and altering roads	199
By County to aid Municipalities within the County in making, etc.	200
For requiring the opening or repair of County roads in local Municipalities ..	201
By Township for aiding County or adjoining County in the making, etc., of ..	201
For stopping up and selling original road allowances in Villages or hamlets ..	202
When Village is in two Townships	203

BY-LAWS—Continued.

PAGE

Sand.

For preserving or selling on road allowances 195

Schools.

For obtaining property for use of 157

For support of 157

For acquiring lands for, and aiding High Schools 165

Scuttles.

For compelling the erection of 169

Sewers and Sewerage.

For preventing fouling of 148

For removing obstructions to 148

For opening, making, etc. 151

For making regulations respecting 172

For charging rent for 172

For acquiring land in another Municipality for purposes of 172

See LOCAL IMPROVEMENTS.

Shoes.

For regulating and licensing 159

For imposing fines for infringing 159

Where and when licenses not to be granted 159

Shore.

For preventing encumbering of 148

For removing obstructions to 148

For maintaining 149

Sidewalks.

For preventing driving on 168

For removing snow, etc., from 170

Signs.

For preventing the destroying of 160

Sinks.

For regulating construction of 171

Slaughter Houses.

For preventing or regulating 167

Slips.

For preventing encumbering of 148

For removal of obstructions to 148

For maintaining 149

For granting aid to 149

Assent of electors required 149

Security may be taken 149

Smoke.

For compelling the consumption of 169

Snow.

For compelling the removal of 170

Snow Fences.

For requiring owners to take down fences, etc., according to "The Act respecting Snow Fences" 158

Snow Roads.

For keeping open double tracks on 200

By-Laws—Continued.

PAGE

Stairs.

For regulating the size and structure of, in public buildings..... 150

Statute Labour.

For commuting 184

For regulating and enforcing 184

For increasing or reducing number of days of, or abolishing..... 184

Stone.

For preserving or setting on road allowances..... 195

Stores.

For regulating 169

Streams.

For preventing and removing obstructions to 185

For levying expense of clearing obstructions..... 185

For imposing penalties for obstructions..... 185

Streets.

For preventing the throwing of dirt, etc., into 159

For cleaning of 170

For preventing obstructions to 170

For naming and changing names of 171

By-law changing name to be registered 171

For regulating the user of 172

For aiding adjoining municipality to open and maintain 197

See HIGHWAYS AND ROADS.

Surgeons of the Gaol.

For appointing 163

Surveyor.

For appointing one for Corporation..... 180

Surveys.

For providing for 161

Costs of 162

Swearing.

For preventing 161

Swine.

For preventing or regulating the keeping of..... 167

Tainted Provisions.

For seizing and destroying 167

Tanneries.

For preventing or regulating 167

Taxes.

For disqualifying electors for non-payment of 156

Telegraph Poles.

For regulating the erection and maintaining of 172

Temperance.

For enforcing the Temperance Acts 153

Tires.

For regulating the width of..... 172, 182

BY-LAWS—Continued.

PAGE

Timber.

For preserving or selling on road allowances..... 195

Tolls.

For raising money by, on bridges, roads, etc 194

For granting the right to, for not longer than twenty-one years 195

Town Halls.

By Township, for acquiring or renting in Town or Village 184

Township and other meetings may be held in..... 184

Notices may be posted at 184

Tramways.

For authorizing building of 231

Transient Traders.

For licensing and regulating..... 157

Trees.

For removing of 152

For planting and preserving of 153

not to be cut down without permission of Council..... 153

For encouraging the planting of..... 160

For clearing highways of..... 200, 202

Unusual Noises.

For preventing 167

Vacant Lots.

For enclosing of 168

For cleaning, draining, etc 171

Vagrants.

For restraining and punishing 161

Vehicles.

For regulating and licensing 181, 182

Vice.

For preventing 161

Victualling Houses.

For limiting and regulating 156

For licensing 157

Walks.

For acquiring property for and managing 179

For selling when no longer required 179

For acquiring property for 187

Water and Water Companies.

For preventing the fouling of 148

For preventing the obstruction of 148

For maintaining, etc 149

For the supply of 153

For permitting laying down pipes, etc. 160

For aiding water companies 160

Assent of electors required 160

Head of Corporation to be a Director in certain cases 160

Water Courses.

For opening, making, etc 150

For preventing obstructions to, etc.....159, 185

By-Laws—Continued.

PAGE

Water Works.

For constructing and maintaining	187
For constructing and levying annual special rate for payment	180
Assent of electors required	180
Estimates, etc., to be published	180
To be passed within three months after poll.....	180
If rejected, no other to be submitted within the current year	180
For fixing price to offer for works or stock of company incorporated for the Municipality	180
Not to affect provisions of any special Act.....	181

Weeds.

For preventing growth of	159
--------------------------------	-----

Wells.

For establishing public wells	167
-------------------------------------	-----

Wet Lands.

For purchasing, draining and disposing of.....	152
May raise money by loan for	152
May apply unappropriated funds to	152
Terms and conditions of sale	152
Proceeds of sale	152

Wharves.

For preventing encumbering of	148
For removal of obstructions to.....	148
For maintaining	149
For regulating.....	149
For granting aid to.....	149
Assent of electors required	149
Security may be taken	149

Wheels.

For regulating the width of	172
-----------------------------------	-----

Works.

For entering upon municipal works jointly with another Municipality	197
---	-----

Yards.

For cleaning, draining, etc	171
-----------------------------------	-----

(2) OF POLICE COMMISSIONERS.

Power to make	136
For licensing cabs, etc	136
How authenticated and proved	136
May be enforced by penalties	137
Recovery of same.....	137

(3) REGULATIONS OF TRUSTEES OF POLICE VILLAGE.

See POLICE VILLAGES.

CABS—

Licensing of.....	136
By-laws for regulating and licensing	181
“ “ fares	181, 182

CABSTANDS—

By-laws for assigning stands for cabs, etc.....	172
---	-----

CANADA THISTLES—	PAGE
By-laws to prevent growth of	159
CANDIDATES—	
See ELECTIONS.	
CARRIAGES—	
Licensing of.....	136
By-laws for regulating and licensing	181, 182
CATTLE—	
By-laws for preventing or regulating the keeping of	167
CELLARS—	
By-laws for requiring levels of, to be furnished to Council	171
“ for regulating the construction of.....	171
“ for requiring the cleaning of.....	171
CEMETERIES—	
By-laws for acquiring property for	157
“ for preventing violation of.....	158
CENSUS—	
Of Town or Village may be taken under by-laws of Council	10
By-laws for taking	150
CERTIFICATES—	
Of compliance with regulations of Council.....	91
See ELECTIONS.	
CHARCOAL—	
Regulations of Police Village respecting	238
CHARITIES—	
By-laws for aiding	150, 174
CHARIVARIES—	
By-laws for preventing	168
CHIEF CONSTABLE—	
May be appointed in Cities and Towns having Police Commissioners	137
See POLICE.	
CHILDREN—	
By-laws to prevent sale of intoxicating drinks to.....	160
“ “ riding on cars, etc., by	172
CHIMNEYS—	
By-laws respecting	169
CIGARS—	
Regulations of Police Village respecting smoking of	237
CIRCUS RIDING—	
By-laws respecting	159
CITIES—	
Liability of, for maintenance of Court House, etc.....	143
“ to contribute to cost of Court House and Gaol.....	144
To have a voice in selection of a site	144
Compensation for use of Court House.....	144
New agreement respecting compensation may be made, when and how....	144
See NEW CORPORATIONS.	

CLERK—	PAGE
See ELECTIONS and MUNICIPAL OFFICERS.	
CLERK OF POLICE COURT—	
Clerk of Municipality to be, until another appointed.....	135
When entitled to fees or salary	135
CLERK OF THE PEACE—	
Appointment of, for new Counties	19
Copies of voters' lists may be obtained from.....	46
Fees for same	46
CLOSING ROADS—	
See ROADS.	
COAL—	
Weighing of, may be regulated	177
COLLECTORS—	
If roll not returned, to prepare and verify on oath list of defaulters in pay- ment of taxes on or before nomination day	42
See MUNICIPAL OFFICERS.	
COLLEGES—	
By-laws for supporting students at.....	165
" for endowing fellowships	165
COMMISSION—	
To enquire respecting finances	120
Powers of Commissioner	121
Expenses	121
COMMITMENT—	
See FINES and PENALTIES.	
COMPENSATION —	
For lands taken	155
For mistakes in opening road allowances	195
CONSTABLES—	
Appointment of	137
To be appointed to take charge of Lock-up Houses.....	140
See POLICE.	
CONTAGIOUS DISEASES—	
By-laws for preventing	168
CONTRACTS—	
Between Members of Council and Corporation void in actions against Corpora- tion	134
CONTROVERTED ELECTIONS—	
Trial of contested elections	65
" of right to elect	65
By whom	65
Who may be the relator.....	65
Time within which proceedings to be commenced	65
Security	65
Writ in nature of <i>quo warranto</i> to be issued	65
By whom to be issued.....	66
Service of, how to be made	66
Evidence on return of writ	66
When the seat is claimed by the relator, what the writ shall be to try	66
May proceed by one writ against several persons.....	66
When more than one writ to try the right to elect, all to be tried by Judge who is to try the first.....	66

CONTROVERTED ELECTIONS— <i>Continued</i>	PAGE
Returning or Deputy Returning Officer may be made a party	66
Judge may allow any person entitled to be a relator to intervene and defend.	67
Matter to be tried summarily without formal pleadings	67
Production of documents may be required	67
Evidence may be <i>viva voce</i> or by affidavit	67
Except to prove a corrupt practice which is to be proved by <i>viva voce</i> evidence.	71
Issues may be framed and tried	67
If election found invalid, person properly elected to be admitted	67
Or new election ordered.....	67
Writ for new election to be directed to Sheriff, when.....	67
Defendant may disclaim, when and how	67
Form of disclaimer.....	67
To be posted and registered.....	68
Person elected may disclaim before election contested, how and effect of	68
Form of disclaimer.....	68
Costs of person disclaiming	68
To operate as a resignation	68
Who is to be entitled to seat	68
Person disclaiming to deliver duplicate thereof to Clerk	68
Costs in discretion of Judge.....	68
Judgment to be final	68
The Judges of the High Court of Justice may make rules.....	69
Existing rules to remain in force until rescinded or altered	69
Judge to report to Clerk of Municipality if candidate or person convicted of corrupt practices.....	71
 CONVICTION—	
Form of	132
Under by-laws of Police Commissioners.....	137
 CORDWOOD—	
Measurement of, may be regulated.....	177
 CORONERS—	
Appointment of, for new Counties.....	19
 CORRUPT PRACTICES—	
What to be deemed.....	69
Giving or lending money to voters	69
Procuring office, place or employment for voters.....	69
Gifts, promises or agreements to influence voters	69
Influencing or engaging to influence voters	70
Advancing money for the purpose of bribery	70
Voter receiving money for vote, or agreement to vote, before or during election.	70
After the election	70
Hiring teams to convey voters to the polls	70
Undue influence defined	70
Expenses of candidates, what lawful	71
<i>Viva voce</i> evidence required to prove	71
Penalties for.....	71
Recovery of penalties.....	71
Judge to report to Clerk of Municipality, if candidate or persons convicted of corrupt practices.....	71
Entries to be made of same by Clerk of Municipality.....	72
Witnesses not excused from answering on ground of self-crimination or privilege in proceedings for.....	72
Limitation of actions	72
No penalty after prosecution of party jointly liable.....	72
Except principal offender	72
<i>Two</i> —Copies of sections relating to, furnished by Clerk and posted up by Deputy Returning Officers.....	73

COSTS—	PAGE
Of re-count, in discretion of Judge.....	59
Taxation and recovery of	60
<i>Quo warranto</i> proceedings upon disclaimer	68
Generally in discretion of Judge	68
Of commission to enquire respecting finances	121
Of arbitration	124
On prosecution for penalties, may be awarded.....	130
Of conveying prisoners to Gaol and Lock-up	145
Of surveys	162
Of local improvements, what shall be deemed to be	205
 COUNCILLORS—	
<i>In Towns.</i>	
Number of, for each ward	25
Provision for reduction of the number by by-law	26
Provision for repealing such by-law	26
<i>In Incorporated Villages.</i>	
Number of	26
<i>In Townships.</i>	
Number of	26
Property qualification of	27
May resign, when	63
Declaration of qualification	86
of office	86
before whom to be made.....	87
Penalty for refusal to accept office or make the necessary declarations	87
 COUNCIL—	
See MUNICIPAL COUNCIL.	
 COUNTIES—	
See NEW CORPORATIONS.	
 COURT HOUSE—	
County Council may pass by-laws for erecting, repairing, etc	139
To be provided with fuel, etc.....	139
County Council may acquire land in City for Court House	139
Of County, to be Court House for City or Town not separated from County..	140
To continue so for City until City Council directs otherwise.....	140
Council of City may erect and maintain.....	140
County Council to have care of	142
To appoint keepers.....	142
Duties of keepers	142
To provide fuel, furniture, etc.	142
To provide offices, etc., for the Courts	142
May be used by Maritime Court.....	142
City Council to have care of Court House belonging to City.....	143
Upon separation of Union of Counties, rules and regulations respecting to continue and apply to Court House in Junior County	143
Liability of Cities and Towns for erection and maintenance of Court House...	143
Differences may be referred to arbitration.....	143
Liability for furniture, Council not liable unless it has been ordered by it or authorized person	143
Corporation has insurable interest in	144
Liability of City to contribute to cost of	144
Differences may be referred to arbitration.....	144
City to have a voice in the selection of a site	144
Compensation for use of, by City of Town.....	144
After five years Lieutenant-Governor in Council may order existing arrange- ments to cease, and new ones may then be made.....	144

	PAGE
COURT OF REVISION—	
Constitution and powers of, on appeal against assessment for local improvements	206
When by-law for local improvements passed by County on application of Minor Municipality	217
To be held at County Town	217
CORPORATION—	
See MUNICIPAL CORPORATION.	
COW-BYRES—	
By-laws for preventing or regulating	167
CRANES—	
By-laws respecting	149
DANGEROUS PLACES—	
By-laws for making regulations respecting	194
DEAD—	
By-laws respecting interment of	198
DEAF PERSONS—	
By-laws for aiding and maintaining	150
DEATH—	
See ELECTIONS and MUNICIPAL OFFICERS.	
DEBENTURES—	
Those issued before first January, 1867, to have the priority which they had on that day	115
Rate for payment to be levied	115
How to be calculated	115
To be applied solely to payment of debentures	115
To be sealed with Common Seal	126
To be signed by head of Corporation and some other person authorized by the by-law to sign	126
Duty of Treasurer respecting	126
Full amount recoverable though negotiated below par	126
Certain debentures valid without Common Seal	126
Defects in form not fatal	126
Those on which payments have been made for two years to be valid	127
Unless proceedings pending	127
For local improvements to be so stated on face of debenture	127
Provision for consolidation of	127
Transfer of—	
Notice with respect to ownership may be endorsed	127
Form of	128
Debenture Registry Book to be kept	128
Certificates of ownership to be entered	128
Also subsequent transfers	128
Written authority for entries required	128
After certificate of ownership has been given, debentures transferred only by entry in Debenture Registry Book	128
By-laws for guaranteeing by County	182, 200
Debentures of one of United Counties for improvements in that County, how to be issued	183
To bind that County as though it were a separate Municipality	183
Under Local Improvement By-laws	204
Not invalid, though not strictly in accordance with by-law	210
For portions of local improvements to be paid for out of general funds	227
For aiding Railways	231
DEBTS—	
By-laws creating	106
See BY-LAWS.	

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DIRECTIO

See

DIRT—

By-l

DECLARATIONS—

PAGE

Of Office.

To be made by elected candidate.....	57
To be made by members of County Council before any business is transacted.	73
Form of.....	86
Before whom to be made	87
Certificate thereof to be given	87
To be made by Trustees of Police Village	236

Of Qualified.

To be made by elected candidate.....	57
To be made by members of County Council before any business is transacted.	73
Form of.....	86
Before whom to be made	87
Certificate thereof to be given	87
To be made by Trustees of Police Village	236

Of Secrecy.

At Municipal Elections	61
Form of.....	61
At voting on by-laws	102
Before whom to be made	102
Form of.....	102
Of destruction of ballot papers.....	57
Of auditor.....	86
Before whom declaration may be made	87
To be subscribed by declarant	87
Person administering shall certify and subscribe same	87
To be deposited with Municipal Clerk	87

DEFAULTERS' LISTS—

See ELECTIONS.

DEPUTY REEVE

Election of, in Incorporated Villages and Townships instead of Councillors, when	26
Remuneration of.....	74
Declaration of qualification	86
of office	86
Before whom to be made	87
May administer oaths and declarations	87
Penalty for refusing to accept office, or to make the necessary declarations, or to administer oaths or declarations	87
See REEVE.	

DEPUTY RETURNING OFFICER—

Duties of, on voting on by-laws	99
See ELECTIONS.	

DERRICKS—

By-laws respecting	149
--------------------------	-----

DESECRATION OF THE SABBATH—

Persons convicted of, may be sent to Lock-up.....	145
---	-----

DESTROYING PAPERS—

By municipal officers, maliciously	89
--	----

DIRECTIONS FOR THE GUIDANCE OF VOTERS—

See BY-LAWS AND ELECTIONS.

DIRT—

By-laws for compelling the removal of	170
---	-----

	PAGE
DISCLAIMER—	
See CONTROVERTED ELECTIONS.	
DISORDERLY HOUSES—	
By-laws for suppressing.....	161
DISORDERLY PERSONS—	
May be committed to House of Correction.....	141
By-laws for restraining and punishing	161
DISQUALIFICATION—	
See QUALIFICATION.	
DISSOLUTION—	
An incorporated Village may become unincorporated, when and how.....	8, 9
DISTILLERIES—	
By-laws for preventing or regulating	167
DOCKS—	
By-laws respecting	148
Belonging to Dominion, not to be interfered with without consent of Dominion Government.....	191
DOCUMENTS—	
Used before arbitrators, to be filed with Clerk.....	125
DOGS—	
By-laws for regulating and taxing of	158
“ for killing those at large contrary to by-law	158
DOMINION LANDS—	
Not to be interfered with by Municipalities without consent of Dominion Government.....	191
DOORS—	
By-laws respecting	151
DOOR STEPS—	
By-laws for removal of, when obstructing streets, etc.	148
DRAINS AND DRAINAGE—	
By-laws respecting	148
“ to require cleaning of	171
“ for making regulations respecting.....	172
“ for charging rent for.....	172
“ for acquiring lands in another Municipality for purposes of	172
“ for borrowing money for	181
Into adjoining lots or along or across highways	215
See LOCAL IMPROVEMENTS.	
DRIVING—	
By-laws for regulating	150
“ for preventing on sidewalks	168
DRUNKARDS—	
May be sent to House of Correction	141
May be confined in Lock-up.....	145
DRUNKENNESS—	
By-laws for preventing	161
“ for restraining and punishing persons found drunk	161

DUMB PERSONS—

PAGE

By-laws for aiding and maintaining 150

DUTIES—*Of Election Officers.*

See ELECTIONS.

Of Municipal Officers.

See MUNICIPAL OFFICERS.

ELECTIONS.*Of members of Municipal Council.*

To be held annually on first Monday in January.....	33
Time of holding in case of newly erected corporations	32
Place where election to be held	34
To be appointed by County Council in case of newly separated junior townships	34
To be in the municipality	35
For townships—not to be held in city, town or village	35
Not to be held in tavern	35
See also the several provisions for the erection of new corporations under NEW CORPORATIONS.	
To be by general vote in townships and incorporated villages not divided into wards.	34
In cities and towns elector may vote in each ward in which he has necessary property qualification.....	47
Except in cases of Mayor, Reeve and Deputy Reeve	47
Where he shall vote in these cases	47
In townships elector not to vote more than once.....	47
Penalty for voting more than once, when such prohibited.....	48

Agents.

May vote where engaged as, if qualified	48
Certificate to enable same.....	48
To be present when ballot of incapacitated voter marked	51
May be present at poll	52
At counting of votes	53
At re-count of votes	58
To maintain secrecy of the voting	61
Penalty for contravention	61
To make declaration of secrecy	61
Non-attendance of	62
Candidates may undertake duties of	62
Exception.....	62

Ballot Boxes.

To be procured and furnished by Clerk to Deputy Returning Officers.....	42
How to be made	42
After election to be kept by Clerk	42
Penalty for neglecting to furnish.....	43
If not furnished Deputy Returning Officer may procure.....	43
To be shewn at opening of poll	49
Offences relating to.....	60

Ballot Papers.

To be printed by Clerk	43
Contents and form of.....	43
In cities, towns and townships divided into wards to be in different sets	43
To be furnished by Clerk to Deputy Returning Officer	44
Name or initials of Deputy Returning Officer to be signed on back of.....	50
Delivery of to voter	50
Mode of marking.....	50
Not to be taken away by voter.....	51

ELECTIONS—Continued.

	PAGE
Deputy Returning Officer to verify initials before depositing in ballot box.....	51
Proceedings when voter cannot mark.....	51
Proceedings in case ballot paper cannot be used	52
Counting the ballots	52
Rejected ballots	52
Objections to be noted and numbered.....	53
Statement of to be made and signed by Deputy Returning Officer	53
Certificate of state of poll to be given by Deputy Returning Officer	53
To be sealed up in packets.....	54
To be returned to Clerk of municipality	54
Statement respecting, to accompany the return	55
To be kept for one month, and then destroyed, unless otherwise ordered by Court or Judge	57
Inspection of not allowed except by order of Court or Judge	57
Re-count of and proceedings thereon	58
Offences relating to	60

Certificates.

As to Assessment Roll, Clerk to give, stating when returned by Assessor and when finally revised	46
Penalty for neglect.....	46
To be evidence for Deputy Returning Officers—of date to be inserted in oath.	47
When Assessment Roll to be deemed finally revised and corrected	47
And see DEPUTY RETURNING OFFICER and POLL CLERK.	

Clerk (of Municipality).

To be Returning Officer.....	35
In municipalities not divided into wards to perform duties of Returning and Deputy Returning Officers at the first election.....	35, 47
To preside at nomination in cities and towns	40
If absent, electors may choose a chairman.....	40
At nominations in townships, Township Clerk to preside	40
To give six days' notice of nomination	41
Duties of, at nomination	41
To post up names of candidates	41
Duties of, with respect to ballot boxes and papers, and compartment for marking ballots.....	42-44
Duties of, with respect to voters' lists	45
Duties of, with respect to Assessment Roll	46
To give certificate to enable Agents, Deputy Returning Officers and Poll Clerks to vote where engaged	48
Ballot papers to be transmitted to	54
To settle disputes as to written statement to be made by Deputy Returning Officer	55
To cast up votes and declare candidate elected.....	55, 56
To vote in case of a tie	55
Otherwise not to vote.....	56
To retain ballot papers for one month, and then destroy them.....	57
Unless otherwise ordered by a Court or Judge.....	57
Not to allow inspection of ballots except by order of a Court or Judge	57
May be present at re-count	58
Production of documents by an order of Judge—effect of	60
Penalty for wilful act or omission in contravention of sections 118 to 166	60
To maintain the secrecy of the voting.....	61
Penalty for contravention.....	61
To make declaration of secrecy.....	61
Duties of, on vacancies in Council occurring.....	64
Duplicate disclaimer to be delivered to	68
Judges to report persons guilty of corrupt practices to	69
Entries to be made of same	72
To furnish to Deputy Returning Officers copies of Sections 207 to 220	73
To preside at election of Warden.....	75

ELECTIONS—Continued.

PAGE

Candidates.

To be proposed and seconded <i>seriatim</i>	41
May resign before polling day.....	41
If nominated for two or more offices, may elect for which he will run.....	41
In default of election, to be taken as nominated for office for which first proposed.....	41
Names of to be posted up.....	41
May be present in polling stations.....	52
May be present at counting of votes.....	53
Clerk to declare those elected.....	56
Those elected shall take the necessary declarations and assume office.....	57
May be present at re-count.....	58
May undertake duties of agent.....	62
Not to be present at marking of ballots by incapacitated voter.....	62
Disclaimer by	67
Expenses of—what lawful....	71
Penalty for bribery by	71

Deputy Returning Officer.

To be appointed by by-law.....	35
To make returns to clerk.....	35
Upon death or absence of, to be chosen by electors.....	35
To be a conservator of the peace on election day.....	36
May swear in special constables.....	36
To administer oaths.....	39
To procure ballot boxes, if not furnished.....	43
To provide compartment for marking ballots.....	44
To post up directions to voters.....	44
Certificate to enable to vote where stationed.....	48
May vote on production of certificate, if qualified	48
Oath required to be taken by voters may be administered, and by whom.....	48
On opening of poll to show ballot box, and then lock and seal it.....	49
Mode of procedure when vote tendered.....	49
Not to receive the vote of elector who has refused to be sworn or to affirm...	50
Penalty for receiving same.....	50
To sign his name or initials on back of ballot paper, and deliver same to voter after proper entries have been made.....	50
Penalty for neglect.....	50
To explain mode of voting.....	50
To place his initials in proper columns of voters' list, to denote that voter has received ballot paper.....	50
To receive from voter and deposit ballot in ballot box	51
To make entry if voter takes away ballot paper or declines to vote.....	51
Duties of, when voter cannot mark ballot paper.....	51
Duties of, if ballot paper spoiled by voter.....	52
To count the ballots.....	52
Note and number objections.....	53
To make and sign statement and give certificates of state of poll.....	53
Duties of, after votes are counted.....	54
Declaration as to voters' list.....	54
To make up and deliver packets of ballot papers, etc., to municipal clerk.....	54
Statement to accompany packets.....	55
What statement to contain.....	55
May vote if qualified.....	56
Duties of, in case election interrupted by riot, etc.....	56
Penalty for contravention of sections 118 to 166.....	60
To maintain the secrecy of the voting.....	61
Penalty for contravention.....	61
To make declaration of secrecy.....	61
May be made a party to a writ of <i>quo warranto</i>	66
To post up copies of sections relating to corrupt practices.....	73

BY-LAWS—Continued.

PAGE

*Directions to Voters.*To be furnished by clerk, and posted up by deputy returning officer..... 44*Electors.*

Qualification of (see QUALIFICATION).....	31
Whose taxes are in arrear.....	31
Must be named in voters' list, except in case of new municipality for which there is no assessment roll.....	31
If name so appears, no question of qualification to be raised.....	32
In new municipality in which there is no assessment roll.....	32
If owner and occupant be rated severally, both shall be deemed rated.....	32
When two or more are rated jointly, who may vote.....	32
Procedure at the poll on tender of vote.....	49
Vote of who refuses to be sworn or to affirm not to be received.....	50
No one but voter allowed in voting compartment.....	51
Not to take away ballot paper.....	51
If taken away, to forfeit right to vote.....	51
Incapacity to mark ballot paper.....	51
Not to be interfered with when voting.....	61
Not required to disclose for whom vote given.....	61

Expenses.

Of election to be paid by municipal treasurer.....	52
Of candidate—what lawful.....	71

New Election.

When election interrupted for four days by riot, etc.....	56
When vacancy occurs in Council.....	64
Warrant for—who to issue.....	64
Time for holding.....	64
After <i>quo warranto</i> proceedings.....	67
Writ for to be issued to Sheriff—when.....	67

Nomination.

Place for holding to be appointed by by-law.....	85-40
Otherwise the Town Hall.....	40
To be held annually on the <u>last Monday</u> in December.....	40
If it is <u>Christmas Day</u> , then to be held on the <u>preceding Friday</u>	40
County Council may by by-law provide that nomination take place on last Monday but one in December in townships.....	40
Copy to be transmitted to Township Clerks.....	41
To be held by Returning Officer appointed for each ward.....	41
Or the Municipal Clerk.....	41
And in their absence the electors may choose a chairman.....	41
Clerk or Returning Officer to give <u>six days' notice</u> of meeting.....	41
Procedure at nomination.....	41

Oaths.

Of freeholder.....	86
Of householder.....	87
Of income voter.....	88
Farmer's son.....	88
To be administered by Returning and Deputy Returning Officers.....	89
Refusal to take.....	50

Poll Clerk.

Certificate to entitle him to vote where stationed.....	48
Right to vote if qualified, and oath.....	48
To explain mode of voting.....	50
Penalty for contravention of sections 118 to 166.....	60
To maintain secrecy of the voting.....	61
Penalty for contravention.....	61
To make declaration of secrecy.....	61

ELECTIONS—Continued.

PAGE

Polling Place.

Where electors may vote.....	47
And see DEPUTY RETURNING OFFICER, POLL CLERK, AGENT, and THE POLL.	

Re-count.

Of votes by County Judge—when.....	57
Deposit by applicant.....	58
Who may be present at.....	58
Opening of packets and counting votes.....	58
Care to be taken that way in which particular voter has voted be not disclosed	58
To be proceeded with continuously.....	58
Procedure on	59
Not to take away any other remedy.....	59
Costs in discretion of Judge.....	59
Taxation and recovery of costs.....	60
Production of documents.....	60

Returning Officer.

To be appointed by by-law to hold nomination for each ward.....	85
Clerk to be for whole municipality.....	85
Upon death or absence of, one to be chosen by electors.....	85
To be a conservator of the peace on election day.....	86
May swear in special constables.....	86
To administer oaths.....	89
To hold nomination for ward for which appointed.....	41
To post up at Clerk's office the names of candidates.....	41
May be made a party to writ of <i>quo warranto</i>	66
And see DEPUTY RETURNING OFFICER and CLERK.	

Special Constables.

May be sworn in by Returning and Deputy Returning Officers.....	86
Penalty for refusing to serve.....	86

The Poll.

Places where to be held to be appointed by by-law.....	85
To be held on first Monday in January.....	41
In each ward or polling subdivision.....	41
From 9 a.m. to 5 p.m.....	41
Votes to be by ballot.....	41
Mode of procedure at	49
Name of voter must be entered on voters' list, except in case of new municipality.....	81
If so entered no question of qualification to be raised at	32
Name and addition of voter to be recorded	49
Oath to be administered to voter if required.....	49
Objections to be noted	49
Refusal to take oath or to affirm to be noted	50
Vote not to be received after such refusal.....	50
Deputy Returning Officer to sign his name or initials on back of ballot papers, and deliver same to voters.....	50
Penalty for neglect.....	50
Mode of voting to be explained	50
Deputy Returning Officer to note in voters' list to whom ballot papers given.	50
Mode of marking ballots	50
Mode of depositing same in ballot box	51
No one but voter allowed in voting compartment.....	51
Voter not to take away ballot papers.....	51
If taken away to forfeit right to vote	51
If voter declines to vote, entry thereof to be made by Deputy Returning Officer	51
Proceedings in case of incapacity to mark ballot papers.....	51

ELECTIONS—Continued.

	PAGE
Proceedings in case ballot paper spoiled by voter	52
Who may be present at.....	52
Counting the votes.....	52
Who may be present at counting the votes	52
Rejected ballots	52
Objections to be noted and numbered.....	53
Deputy Returning Officer to make and sign statements and give certificates of state of the poll	53
Not more than two agents of any candidate may be present	53
Duties of Deputy Returning Officer after counting the votes	54
Disputes to be settled by Clerk of the municipality.....	55
Clerk to cast up votes	55
Clerk to have the casting vote in case of a tie	55
Otherwise Clerk not to vote	56
Deputy Returning Officers and Poll Clerks may vote if qualified.....	56
Procedure if election not commenced or interrupted by riot, etc.....	56
If interrupted for four days, to be new election	56

Votes.

To be by ballot	41
Counting the	52
Re-count of	57

Voting.

Mode of, to be explained	50
Mode of marking ballots	50

Voters' and Defaulters' Lists.

List of persons in default for payment of taxes to be prepared.....	42
If municipality divided into polling subdivisions, list for each to be prepared..	42
Certified copies to be furnished	42
First and second parts of list under "The Voters' Lists Act" to be the list ...	44
In new municipality	45
When new territory added to city, town or village	45
When assessment roll but no voters' lists, under "The Voters' Lists Acts"....	45
Copies of voters' and defaulters' lists to be delivered to Deputy Returning Officers	46
May be prepared by Clerk.....	46
Or may be procured from Clerk of the Peace	46
His fees for same	46
Defaulters' lists to be evidence for Deputy Returning Officers of non-payment of taxes.....	46
When voter tenders his vote, his residence and addition shall be recorded on by Deputy Returning Officer	49
Initials of Deputy Returning Officer to be placed in proper columns of, to denote that elector has received ballot paper	50
Entries to be made by Deputy Returning Officer upon, at close of poll	54
Declaration of Deputy Returning Officer respecting	54
To be returned to Clerk of municipality	54
May be inspected in hands of Clerk	54

ELECTORS—

Who may vote on by-laws.....	96
By-laws for disqualifying, who have not paid taxes by 14th December.....	156
See BY-LAWS, ELECTIONS and POLICE VILLAGES.	

ELEVATORS—

By-laws respecting.....	149
-------------------------	-----

EMBEZZLEMENT—

By municipal officers	89
-----------------------------	----

ENGINEER—	PAGE
By-laws for appointing.....	163, 180
EQUALIZATION OF REAL PROPERTY—	
Basis of.....	85
ESTIMATES—	
See FINANCE .	
EVIDENCE—	
Endorsements on ballot papers, etc.....	60
On return of writ of <i>quo warranto</i>	66
<i>Viva voce</i> required to prove a corrupt practice	71
Of by-laws, certified copy.....	91
To be filed with Clerk by arbitrators	125
See WITNESSES .	
EXECUTIONS AGAINST MUNICIPAL CORPORATIONS—	
May be endorsed with direction to Sheriff to levy the amount by rate	132
Sheriff to deliver copy of writ and endorsement to Treasurer, with statement of amount due.....	133
If claim not paid in one month, Sheriff to strike a rate.....	133
And issue his precept to the Collector	133
Who shall levy the amount	133
Proceedings thereon	133
Surplus to be paid to Treasurer	133
EXEMPTIONS—	
Persons exempted from serving in Municipal Council	29
EXHIBITIONS—	
By-laws respecting.....	150, 161
EXISTING CORPORATIONS—	
To be continued	4
Existing Police Villages to be continued	232
EXPENSES—	
See COSTS and ELECTIONS .	
FAIRS—	
By-laws for authorizing the holding of	165
FARES—	
By-laws for regulating	181, 182
FARMERS' SONS—	
See QUALIFICATION .	
FEES—	
Of Police Magistrate, when entitled to	135
Of Police Court Clerk	135
Gaoler not entitled to any	142
FELLOWSHIPS—	
By-laws for endowment of	165
FENCES—	
By-laws for regulating the height, etc., of	158
“ for protecting animals from barbed wire fences	158
“ for regulating the construction of	179
FENCE VIEWERS—	
See MUNICIPAL OFFICERS .	

	PAGE
FERRIES—	
Privileges of, Council may grant, when.....	91
By-laws for regulating and licensing	164
FILTH—	
By-laws to prevent throwing of, into streets.....	159
FINANCE—	
Annual estimates to be made	114
Council may pass by-laws to raise the sums required on such estimates.....	114
When amount collected is less than amount required.....	114
When amount collected exceeds amount required	114
How rates for paying debentures to be calculated	115
Anticipatory appropriations	116
Two separate accounts to be kept	117
(1) For special rate	117
(2) For sinking fund	117
Surplus after payment of annual interest, how applied	117
Surplus may be invested	118
In what securities	118
Or Lieutenant-Governor in Council may order it to be used in payment or redemption of the debt.....	118
Surplus moneys may be credited to sinking fund account and invested.....	118
Surplus derived from Corporation work, etc., may be similarly applied and invested ..	118
Surplus from "The Ontario Municipalities' Fund" may be set apart for—	
Educational purposes.....	119
Investment of same	119
May be loaned to school trustees	119
Or granted to poor school sections	119
No member of Corporation to be a party to any investment other than authorized by law	119
In default person so doing liable for loss	119
Treasurer of Municipality indebted to Consolidated Municipal Loan Fund to make annual returns to Provincial Treasurer	120
Penalty for default.....	120
Council to make annual report to Lieutenant-Governor.	120
Penalty for default.....	120
Commission of enquiry into—	
When it may be granted	120
Powers of Commissioner	121
Expenses of Commissioner	121
FINES AND PENALTIES—	
How to be applied	131
By-laws for inflicting, not exceeding \$50, for—	
(a) Neglect of duty or refusal to accept office	151
(b) Breach of by-laws.....	151
For collecting penalties and costs by distress	151
For imprisonment in default of payment and distress	152
Not longer than twenty-one days	152
Except for breach of City By-laws	152
Or keeping house of ill-fame.....	152
See PENALTIES.	
FIRE-ARMS AND FIRE-WORKS—	
By-laws for preventing the firing of, etc.	168
FIRE COMPANIES—	
By-laws respecting	169
FIRES—	
Council may rent fire appliances	153
By-laws for regulating the burning of stumps, etc	159

FIRES—Continued.	PAGE
By-laws for preventing or regulating the use of, in stables, etc	169
“ for making provisions against	169
“ for inspecting premises	170
“ for demolishing houses to prevent spreading of	170
“ for enforcing assistance at	170
Regulations of Police Village respecting	237
FISH—	
By-laws for regulating the sale of	177
FOOTPATHS—	
By-laws for setting aside portion of highway for	202
“ for imposing penalty for driving thereon	202
FORESTALLING—	
By-laws for preventing	177
FORMS—	
<i>Ballot Papers.</i>	
In Cities	240
In Towns divided into wards	241
In Townships divided into wards.....	242
In Villages and Townships not divided into wards	244
For voting on By-laws	250
<i>By-law.</i>	
For local improvements.....	207
<i>Certificates.</i>	
Of qualification to sit in County Council for Reeve.....	24
for Deputy Reeve	25
Of <i>lis pendens</i>	112
Of dismissal.....	113
As to assessment roll	248
Of Deputy Returning Officer respecting incapacitated voter	248
<i>Conviction.</i>	
For offences against By-laws.....	132
“ “ “ of Police Commissioners.....	137
<i>Declarations.</i>	
Of qualification	86
Of office	86
Of auditor.....	86
Of secrecy.....	61, 102, 249, 251
Of person promoting or opposing by-law	250
<i>Directions for the Guidance of Voters.</i>	
At elections	245
Voting on by-laws	250
<i>Disclaimer.</i>	
By defendant named in writ of <i>quo warranto</i>	67
By elected candidate, before election complained of	68
<i>Notice.</i>	
Of passing of by-law	104, 112
Of by-law to be considered at special meeting of County Council	103
<i>Oaths.</i>	
At elections, of freeholder	33
of householder or tenant	37
of income voter	38
of farmer's son	38

FORMS—Continued.	PAGE
Of Deputy Returning Officer after closing of poll	249
Voting on by-laws, of freeholder	98
of leaseholder	98
of leaseholder (in respect of local improvements)	99
Of voter on by-law for local improvements	218
Of municipal clerk, verifying yearly returns to Provincial Treasurer	78
Of arbitrator	124
Of police officer	137
<i>Voters' List.</i>	
Of list to be furnished to Deputy Returning Officers	247
FREEHOLDERS—	
Who may vote on by-laws	96
See QUALIFICATION.	
FREE LIBRARIES—	
By-laws for establishing	172
FREQUENTERS OF PUBLIC HOUSES—	
May be sent to House of Industry	146
FRUIT—	
By-laws for regulating the sale of	177
FUEL—	
To be provided for Court House	142
FURNACES—	
Regulations of Police Village respecting	237
FURNITURE—	
To be provided by County Council for Court House	142
Liability of Council for, when	143
Corporation has an insurable interest in	144
GAMBLING—	
By-laws for suppressing	161
GAME INSPECTOR—	
By-laws for appointment and removal of	148
GAOLER—	
To be appointed by Sheriff	142
Appointment and dismissal of, to be subject to approval of Lieut.-Governor ..	142
Salary of	142
Not to receive fees	142
GAOLS—	
County Council may pass by-laws for erecting, repairing, etc. ..	139
To be provided with fuel, etc.	139
The Council of a City may provide for the erection and maintenance of ...	140
To be houses of correction in Counties in which such houses have not been	
erected	142
Sheriff to have care of	142
Keepers of, to be appointed by Sheriff	142
Appointment and dismissal of	142
To be subject to approval of the Lieut.-Governor	142
City Council to have care of Gaol belonging to City	143
On separation of union of Counties, rules and regulations respecting to con-	
tinue, and apply to Gaol in Junior County	143
Liability of Cities and Towns for erection and maintenance of	143

GAOLS—Continued.

PAGE

Differences may be referred to arbitration.....	143
Corporation has insurable interest in	144
Liability of City to contribute to cost of	144
Differences may be referred to arbitration	144
City to have a voice in the selection of a site	144
Compensation for use of, by City or Town	144
After five years Lieutenant-Governor in Council may order the existing arrangements to cease, and new ones may then be made ..	144
Expenses of conveying persons to	145
By-laws for appointing surgeon	163

GARDENS—

By-laws for acquiring property for, and managing	179
By-laws for selling, when no longer required	179

GAS AND GAS WORKS —

By-laws for permitting laying down of gas pipes	160
“ for aiding Gas Companies	160
Assent of electors required	160
Head of Corporation to be a Director in certain cases	160
By-laws for preventing or regulating gas works	167
“ for constructing gas works	180
And levying an annual special rate for payment	180
Assent of electors required	180
Estimates, etc., to be published	180
By-law to be passed within three months after the poll	180
If rejected, no other to be submitted within the year	180

GENERAL SESSIONS—

Powers, duties, and liabilities of Magistrates in, with respect to roads and bridges transferred to Municipalities	190
Orders and resolutions may be registered, and how	192

GRAIN—

By-laws to regulate the sale of	177
---------------------------------------	-----

GRATUITY—

May be granted to municipal officers after twenty years' service in certain cases	88
--	----

GRAVEL—

By-laws for preserving or selling on road allowances	195
--	-----

GRAVES—

By-laws for preventing violation of	158
---	-----

GROCERS—

By-laws for regulating	177
------------------------------	-----

GUNPOWDER—

By-laws for regulating the keeping of	167
Regulations of Police Villages respecting	238

HAMLETS—

By-laws for stopping up, and sale of original road allowances in	202
--	-----

HARBOURS—

By-laws respecting	148
“ for granting aid to	149-150

HAWKERS—

By-laws for regulating and licensing	164
--	-----

INDEX.

HEAD OF CORPORATION— See MUNICIPAL OFFICERS.	PAGE
HEALTH— By-laws to provide for	168
HIGH BAILIFF— To be appointed by Council of every City..... May be held by Chief Constable	137 137
HIGH COURT OF JUSTICE— Powers of, in quashing by-laws	104
“ over awards	125
HIGH SCHOOLS— By-laws for acquiring property for, and aiding	165
“ for supporting pupils at	165
HIGHWAYS— What are to be deemed..... Original allowances..... Laid out by Statute	186 186 186
On which public money expended or statute labour performed	186
Passing through Indian Lands.....	186
Freehold in Crown.....	187
Municipality to have jurisdiction over	187
Possession to be in Municipality.....	187
May be increased in width.....	187
Right to use vested in Municipality.....	187
Boundary lines may be assumed and maintained by County	189
By-laws respecting	150, 151
<i>Conditions precedent to passing certain By-laws.</i>	
By-laws affecting public roads not to be passed until— Notices of passing by-law have been posted up for one month..... And published in newspapers	192 192
And Council has heard any one whose property is prejudicially affected and petitions to be heard	192
Expenses of notices, etc.....	192
<i>County Bridges.</i>	
May be assumed by Villages.....	187
Village liable for repairs	188
County Council to have exclusive jurisdiction over.....	188
Bridges assumed by County to be placed in repair	189
To be maintained in Villages to connect highways through County.....	189
Between certain Municipalities to be erected and maintained jointly	189
Differences referred to arbitration	189
<i>Mistakes in Opening Road Allowances.</i>	
No action to be brought against Municipalities, their officers or servants, for mistakes in opening road allowances	193
Compensation to be made by Municipality.....	193
Claim for, to be made within one year	193
<i>Powers of Magistrates in General Sessions.</i>	
Transferred to County Council.....	190
<i>Registration of Road By-laws.</i>	
By-laws under which roads are opened on private property to be registered... To be certified under hand of Clerk and Seal, and to be registered without further proof.....	192 192
By-laws passed before twenty-ninth March 1873, and orders and resolutions of General Sessions may be registered, and how	192

HIGHWAYS—Continued.

PAGE

Repairs.

Approaches to bridges to be maintained	188
Roads to be kept in repair by Corporation	188
Neglect to be a misdemeanor	188
Action for damages for default	188
Limitation of action	188
Not applicable to roads laid out by private persons unless assumed by Corporation	188
Roads assumed by County Council to be placed in repair, and gravelled, etc. .	189
Roads not assumed by Council to be opened and maintained by Townships ..	189
Except bridges between Municipalities	189
Township boundaries being County boundaries, but not assumed by County, to be maintained by Townships	190
Except bridges between Municipalities	190
Mode of enforcing repairs	197
When Township Council neglect or refuse, ratepayers may petition County Council to open and repair roads	197
Petition may be acted on at session of County Council at which presented ...	198
County Council may determine the amount required from each Township and appoint Commissioners to enforce order of Council	198
Sums determined on to be paid by County Treasurer and deducted from Township moneys	198
Differences to be referred to arbitration	198
Who to be arbitrators	198
What they shall determine	199

Roads necessary for Ingress and Egress.

Not to be closed without making compensation and providing other road	191
--	-----

Roads on Dominion Lands.

Not to be interfered with by Municipalities without consent of Dominion Government	191
--	-----

Roads under Joint Jurisdiction.

When road lies between two Corporations, Councils to have joint jurisdiction over	190
By-laws respecting, to be passed by both	190
Differences to be referred to arbitration	190
By-laws for aiding an adjoining Municipality to open and maintain	197

Roads vested in Her Majesty.

Not to be interfered with by Municipalities	191
After proclamation declaring same no longer under control of Department, to be under the control of Municipalities	191

Width of Roads.

Not to be greater than 100 or less than 66 feet, subject to certain exceptions	192
See LOCAL IMPROVEMENTS AND ROADS.	

HORSES—

Licensing of	136
By-laws respecting driving of	150
By-laws for preventing horse racing	161
By-laws for regulating and licensing	181, 182

HORTICULTURAL ASSOCIATIONS—

By-laws for granting aid to	149
-----------------------------------	-----

HOUSES—

By-laws for numbering of	170
--------------------------------	-----

	PAGE
HOUSE FOR THE POOR, AGED, AND INFIRM—	
Who may be sent to, and by whom.....	141
To be deemed within the Municipality for certain purposes	142
HOUSE OF CORRECTION—	
County Council may pass By-laws for erection, repairing, etc.....	139
To be provided with fuel, etc.....	139
City Council may erect and maintain.....	140
Council of City and Town may establish	141
Who liable to be committed to	141
By whom may be committed	141
To be deemed within the Municipality for certain purposes.....	142
Gaols to be, in Counties where houses of correction have not been erected ...	142
HOUSES OF ILL-FAME—	
By-laws for suppressing.....	161
HOUSE OF INDUSTRY—	
County Council may pass by-laws for erection, repairing, etc.	139, 140
To be provided with fuel, etc.	139
City Council may erect and maintain.....	140
Council of Town separated from County may erect and maintain.....	140
Keepers, etc., to be appointed.....	140
Rules and Regulations to be made.....	141
One may be provided for several Corporations.....	141
Inspector may be appointed.....	140
Duties of	141
Who liable to be committed to.....	141
By whom may be committed.....	141
To be deemed within the Municipality for certain purposes	142
Certain persons may be sent to, by Justices of the Peace.....	145
Persons committed to, employment of	146
By-laws for appointing Inspectors	163
HOUSE OF REFUGE—	
Council of County, City, and Town separated from County may erect and maintain	140
Keepers, etc., to be appointed.....	140
Rules and Regulations to be made.....	140
One may be provided for several Corporations.....	141
Inspector may be appointed.....	140
Duties of	141
Who liable to be committed to.....	141
By whom may be committed	141
To be deemed within the Municipality for certain purposes	142
Certain persons may be sent to, by Justices of the Peace.....	145
By-laws for establishing and regulating.....	179
HOUSEHOLDERS—	
SEE QUALIFICATIONS.	
HUCKSTERS—	
By-laws for regulating	177
HYDRANTS—	
Council may rent	153
IDIOTS—	
May be sent to House of Industry	146
IDLE PERSONS—	
May be sent to House of Correction	142
“ “ of Industry	146

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IMMORALITY—	PAGE
By-laws for preventing	161
IMPORTUNING TRAVELLERS—	
By-laws for preventing	168
IMPRISONMENT—	
See FINES and PENALTIES.	
IMPROVEMENTS—	
See LOCAL IMPROVEMENTS.	
INCOME VOTERS—	
See BY-LAWS, ELECTION, and QUALIFICATION.	
INCORPORATION—	
Inhabitants of every County, etc., to be a body corporate.....	5
See NEW CORPORATIONS.	
INCORRIGIBLE ROGUES—	
May be sent to House of Correction	142
INDECENCY—	
By-laws to prevent	161
INDIGENT PERSONS—	
May be sent to House of Correction	141
“ “ of Industry	146
By-laws for granting aid to	150
INDUSTRIAL FARMS—	
County may acquire lands for, and maintain	140
City and Town separate from County may acquire land for, and maintain....	140
Persons sent to, compellable to work	141
Application of earnings	141
Who liable to be committed to	141
By whom may be committed	141
To be deemed within the Municipality for certain purposes	142
By-laws for acquiring property for	179
“ for selling same when no longer required	179
“ for erecting buildings and managing	179
INFECTIOUS DISEASES—	
By-laws for preventing	168
INGRESS AND EGRESS—	
Roads required for, not to be closed without making compensation and providing other road	191
INQUIRY—	
Respecting finances	120
“ conduct of officers	146
INSANE DESTITUTE PERSONS—	
County Council to provide for	183
INSPECTION OF PROVISIONS—	
By-laws to provide for	173
INSPECTORS—	
Of House of Industry may be appointed	140
Duties of	141
Of provisions may be appointed	173

INSULTING LANGUAGE—	PAGE
By-laws for preventing	161
INSURABLE INTEREST—	
County, City and Town have, in Court House, Gaol and furniture	144
INTELLIGENCE OFFICES—	
By-laws for licensing, regulating or preventing	178
INTERMENTS—	
By-laws for regulating	168
INTERPRETATION—	
Bridge	4
Council	3
County	3
County Town	4
Election	31
Electors	4
Farm	31
Farmer's Son or Farmers' Sons	31
Father	31
Highway	4
Householder	32
Land	4
Leasehold	28
Local Municipality	3
Municipality	3
Next day	4
Owner	31
Real estate	4
Real property	4
Reeve	4
Road	4
Son or Sons	31
To vote	31
Townships	4
INTIMIDATION—	
See CORRUPT PRACTICES.	
INTOXICATING DRINKS—	
By-laws for preventing sale of, to children	160
INVESTIGATION—	
Respecting conduct of officers, etc.	146
INVESTMENT—	
Of surplus moneys	118
Of sinking fund	118
Of surplus moneys from "The Ontario Municipalities Fund"	119
Loans to school trustees	119
Only those authorized by law to be made	119
JOINT OWNERS—	
See QUALIFICATION.	
JUDGES (COUNTY)—	
Re-count of votes by	57
Scrutiny on petition to	102
Third arbitrator may be appointed by, in certain cases	123
To be a Police Commissioner	136

JUDGES (COUNTY)—Continued.	PAGE
At request of Council, to enquire respecting the conduct of officers and good government of Municipality.....	146
To report to Council	146
If no person who can convey lands taken by Corporation, County Judge may appoint one.....	154
Appeal to, against assessment for local improvements	206
Powers of.....	206
May appoint arbitrator in arbitrations between Counties respecting local improvements in certain cases	219
JURORS—	
Who are ratepayers or municipal officers, liable to challenge unless the Corporation be a County	131
JUSTICES OF THE PEACE—	
To be appointed for Junior County.....	19
May administer oaths and declarations	87
Jurisdiction of, over offences against by-laws, where there is no Police Magistrate	130
Under by-laws of Police Commissioners.....	137
May try offences against by-laws not specially provided for	130
Heads of Municipalities, Reeves and Aldermen to be, <i>ex officio</i>	129
May compel attendances of witnesses.....	132
May hold Police Court for, and at request of Mayor	134
May order imprisonment in certain cases	145
Powers, duties and liabilities of, in General Sessions with respect to highways transferred to Municipalities	190
JUNK STORES—	
By-laws for licensing and regulating	166
KEEPER OF GAOL AND HOUSE OF CORRECTION—	
To receive into the County Gaol and House of Correction persons committed from Cities and Towns	140
See GAOLER.	
LADDERS—	
By-laws to compel the erection of	169
Regulations respecting, in Police Villages.....	237
LAND MARKS—	
By-laws for erecting, to mark concessions.....	161
LANDS—	
Compensation to be made for	154
Differences to be referred to arbitration.....	154
Trustees, etc., to have power to act for those whom they represent	154
If no person who can convey, County Judge may appoint one.....	154
Application of purchase money.....	155
To be subject to same charges as property was subject to	155
By-laws for acquiring, in another Municipality	172
“ for acquiring, for purposes of exhibition, industrial farms, parks, gardens, etc.	179
“ for selling same when no longer required for.....	179
“ for acquiring, for opening roads	194
“ “ “ on railway lands	194
LEASEHOLDERS—	
See BY-LAWS, ELECTIONS and QUALIFICATION.	
LEWD PERSONS—	
May be sent to House of Industry	146

LIEUTENANT-GOVERNOR—		PAGE
May form Townships not within limits of incorporated County into a new County by Proclamation	16	
May proclaim Provisional County	17	
“ final separation of Provisional County	19	
May authorize the payment or redemption of municipal debt instead of investment	118	
Annual report respecting finances to be made to	120	
May appoint third arbitrator in certain cases	122	
Assent of, required to ferry by-laws	164	
To regulate ferries in certain cases	164	
May appoint arbitrator in arbitration between Counties respecting local improvements in certain cases	219	
LIGHTS—		
To be provided for Court House	142	
By-laws for preventing or regulating the use of, in stables, shops, etc.	169	
Regulations of Police Village respecting	237	
LIME—		
Regulations of Police Village respecting	238	
LIMITATION OF ACTIONS—		
For penalties under Sections 207 and 208	72	
For damages caused by neglect to keep roads in repair	188	
LIVERY STABLES—		
Licensing of	136	
By-laws for regulating and licensing	181	
LOCAL ASSESSMENT—		
See BY-LAWS.		
LOCAL IMPROVEMENTS—		
Debentures for, to be so stated	127	
Provision for consolidation of debentures for	127	
Upon a petition of a majority in number of the ratepayers whose property will be benefited—		
Engineer or Surveyor to report thereon	204, 211	
By-laws may be passed for deepening streams, removing obstructions, and draining property, etc.	204	
For borrowing the necessary funds and issuing debentures	204	
Interest may be included in the amount payable in lieu of being paid annually.	204	
For levying a special rate for payment	204	
What costs of the work shall be deemed to include	205	
Persons whose property is assessed may pay the amount of their assessment, less the interest, before issuing of debentures	205	
Not to be paid by tenant under an agreement to pay taxes unless specially mentioned	205	
For regulating times and manner of payment	205	
For ascertaining the property liable to the rate	205	
Mode of assessing property to be benefited	205	
Mode of shewing proportion of benefit	206	
Powers of Council shall include embanking, pumping and mechanical operations	206	
And doing all things necessary for maintaining the works	206	
And works of Legislature or Parliament completed	207	
Form of by-law	207	
To be amended if assessment altered on complaint or appeal	208	
To be published before final passing	209	
Copies may be served on owners of property to be benefited instead of being published	209	
By-law to be valid unless notice of intention to move to quash be given to Clerk within ten days after final passing	209	

LOCAL IMPROVEMENTS—Continued.

	PAGE
If quashed in part the rest to be valid	209
By-law may be amended in order to complete the work.....	209
Provisions respecting	210
Debentures not invalid though not strictly in accordance with by-law.....	210
When work may be extended beyond limits of Municipality.....	210
When lands in adjoining Municipality may be charged though works not carried into same.....	210
Engineer or Surveyor to report thereon.....	211
Plans may be made.....	211
Municipality beginning the work to notify adjoining Municipality to be bene- fited	211
Adjoining Municipality to raise the necessary amount	211
Or may appeal and refer the matters in difference to arbitration	211
Proceedings thereon	211
In case of mistake, time for appeal may be enlarged by County Judge	211
Arbitrators to be appointed	212
Engineer or Surveyor who made the plans not to be an arbitrator	212
Each Municipality to contribute to maintaining the work in proportions fixed by engineer or arbitration.....	212
In case of neglect, Municipality in default may be compelled to make the necessary repair by <i>mandamus</i>	213
And be liable to damages for any injury	213
Duty of minor Municipalities to make repairs	213
Course of drains may be changed and new outlets made.....	213
Works not extending beyond Municipality, or which do not benefit any other Municipality, to be maintained by Municipality commencing same.....	213
Where works constructed out of general funds, repairs may be charged on property benefited	213
Drains, etc., to be kept free from obstructions.....	214
Obstructions to be removed by persons making them on notice	214
In default they may be removed by the Municipality, and the expenses charged upon the Collector's Roll against such persons causing the obstructions.....	214
By-laws may be passed to borrow funds for repairs.....	214
"The Ontario Municipal Drainage Aid Act" to apply to the debentures issued under such by-law in certain cases	214
Another Municipality, or a company, or an individual using works may be assessed.....	215
Disputes as to damages to works to be referred to arbitration	215
Amount of damages in excess of amount for which property assessed to be charged against property benefited	215
May be levied in one or more annual instalments or spread over several years.	215
Drains into adjoining lots or across or along highways may be made	215
Disputes as to amount of the cost to be borne by owner of adjoining lot or Municipality to be determined by the fence-viewers	216
Their award to be final	216
Ditches along town-lines may be constructed along either side of road allowance. And properties benefited may be charged	216
Certain provisions to apply	216
County Council on application of Councils of minor Municipalities may pass by-laws for	217
Petition of property owners not required	217
Provisions to apply.....	217
County to raise the requisite funds.....	217
Each Township to be liable for and to collect the amount payable in respect of lands therein	217
In case the Municipalities in which the lands to be benefited are situate are in several Counties, any of the Counties may begin the undertaking	217
Any of the Municipalities may indemnify the County	217
County beginning the undertaking may pass resolution to that effect	218
Copy of Report, etc., to be published	218
And served on other County or Counties	218

LOCAL IMPROVEMENTS—*Continued.*

	PAGE
In case of ten owners of property assessed petitioning against work, County shall pass by-law to take votes of persons assessed	218
Who may vote.....	218
Form of oath	218
Clerk of each Municipality to act as Deputy Returning Officer.....	218
County Clerk to be Returning Officer.....	218
If vote taken and decided in favour of work, or if no vote required, notice to be served on the other County or Counties	219
Who may appeal	219
Notice of appeal to be served and on whom	219
What the notice shall contain	219
County Judge may appoint arbitrator, when	219
Engineer or Surveyor who made report and members of Councils shall not be arbitrators	219
In case number of arbitrators is even, Lieutenant-Governor may appoint one.....	219
Arbitrators to apportion the cost of the work	220
Decision of majority to be binding	220
An application may be made to High Court of Justice when arbitrators unable to agree.....	220
Minor Municipalities interested may appear at arbitration	220
By-laws not to be passed pending appeal	220
After the making of the award or time for appeal has elapsed, by-laws for raising the sums required to be passed	220
Certain provisions to apply	220
If works are to be carried across or along railway, provisions of "The Railway, Streets and Drains Act, 1882," to apply	221
Councils of Cities, Towns, and Incorporated Villages may pass by-laws for ascertaining property to be benefited.....	221
Appeal as in case of ordinary assessment	221
Assessing and levying upon the property to be benefited the costs of the work.	221
Not to apply to repairs or maintenance of the work	221
The special rate to be an annual rate according to the frontage of the property to be benefited.....	222
Majority of property owners representing at least one-half the value of the property to be benefited may petition against the works	222
In which case no second assessment for the same work to be made within two years	222
Number of owners and value of property to be determined as provided by by-law	222
If first assessment too low another or others may be made	222
If first assessment too great excess to be refunded ratably.....	222
Time and manner of levying assessment	222
By-laws for effecting improvements with funds provided for the purpose	222
One-third of the cost of sewers in certain cases to be provided by the Council.	222
An equitable assessment of corner lots may be made	223
Of lands unfit for building purposes	223
For building or repair of bridges or culverts.....	223
Private owners may be allowed to build or improve sidewalks, and be free from assessment for works of a like nature	223
Temporary loans may be made	224
Time of repayment of loans and maturing of debentures	224
If by-laws quashed wholly or in part new assessments may be made	224
No improvement to be undertaken unless initiated in one of the methods provided	224
Property assessed for local improvements, or the owners whereof have made the improvements, not to be assessed for general rates for same purpose... ..	225
Period of exemption may be stated in petition and agreed to by Council	226
Or determined by arbitration	226
By-law to be passed annually to give effect to this section.....	226
No money raised by general rate to be applied to any work of same character in Municipality until by-law passed	226

LOCAL IMPROVEMENTS—*Continued.*

	PAGE
Certain by-laws need not be advertised	225
But notice of sitting of Court of Revision to be given	225
What notice shall contain	225
How it may be served	225
By-laws may be passed directing that all future expenditure for certain improvements shall be raised by special rate	226
Not to be repealed except upon assent of electors	226
Consequences of repeal	226
Houses of worship may be assessed for local improvements in certain cases ...	226
Certain portions of improvements may be paid for out of general funds.....	227
Assent of electors to, not required	227
How debentures may be raised	227
By-laws may be passed without assent of electors for raising the funds required for the share of the work to be charged to the Municipality.....	227
Debentures issued under local improvement by-law form no part of general debt	228
By-laws may be passed for sweeping, lighting and watering streets by special rate	228
County may pass by-laws for improvements to roads, etc., and levying special rates for payment	228
Proceedings preliminary thereto	229
County may pass by-laws for acquiring roads and for improvements thereto, by special rate.....	229
What by-laws shall state	229
To be submitted to the ratepayers in parts of the County interested	229
To apply only to Municipalities in which it receives a majority of votes.....	230
If carried in some Municipalities only, may be passed or dropped	230
General provisions to apply	230

LOCK-UP HOUSES—

County Council may establish and maintain.....	140
To provide for salary of Constable to be placed in charge	140
Constable to take charge of, to be appointed at General Sessions	140
May be established by Cities, Towns, Townships and Villages.....	140
Who may be committed to and for what periods.....	140
Two or more Municipalities may unite to establish and maintain.....	140
Who liable to be committed to and by whom	141
To be deemed within the Municipality for certain purposes	142
Existing to continue	144
Certain persons may be sent to by Justice of the Peace.....	145
Expenses of conveying prisoners to.....	145

MANDAMUS—

Municipality neglecting to make repairs to local improvements may be compelled to make them by.....	218
---	-----

MANUFACTORIES—

May be exempted from taxation	115
By-laws for granting aid to	149, 150
“ for preventing or regulating.....	167
“ “ “ dangerous manufactories.....	169

MARITIME COURT—

May use Court House	142
---------------------------	-----

MARKET FEES—

Not to be imposed on certain articles.....	178
Not to be charged on butter, eggs or poultry unless convenient place provided for sale of same	173
Not to be charged on articles delivered in pursuance of prior contract	173
When not to be charged though no prior contract	173
Certain articles not required to be weighed or measured if neither vendor nor purchaser desires it.....	174

MARKET FEES—Continued.	PAGE
Scale of market fees	174
Scale of fees for weighing or measuring.....	174
When by-law allows sale except at market, without payment of fees	175
May impose fees for voluntarily using or taking advantage of market.....	175
Not to interfere with persons carrying on business in vicinity of market...	175
Fees not to be greater than those imposed on 1st March, 1882.....	175
Not to be imposed in respect of markets made out of streets	175
Section 498 not to apply in certain cases	176
Sales and places of sale may be regulated if no fees charged subject to certain provisions.....	176
Enactments inconsistent with sections 497 and 498 respectively shall not be in force, while they are in force	176
May be assigned.....	176
MARKETS—	
Council may make regulations and impose fees subject to certain restrictions	173-178
Sale of articles not required to be at market after certain times	174
By-laws for establishing and regulating.....	176
Old markets to remain vested in the Corporations	177
MAYOR—	
To be head of City and Town Corporations	25, 77
Property qualification of	27
May resign, when	63
Remuneration of	74
May and when shall call special meetings of Council	75
Declaration of qualification	85
“ of office	86
Before whom to be made	87
Penalty for refusal to accept office	87
Jurisdiction of, where no Police Magistrate.....	129
After having taken oath as Mayor no other qualification necessary.....	130
To hold Police Court when no Police Magistrate, or in his absence	134
To be a Police Commissioner	136
May call out the <i>posse comitatus</i> , when	146
MECHANICS' INSTITUTES—	
By-laws for granting aid to	149
MEDALS—	
May be given to persons distinguishing themselves at fires	169
MEAT—	
By-laws for regulating the sale of	177
“ granting licenses for.....	177
Sale of, distrained for rent of stalls	177
MENAGERIES—	
By-laws respecting.....	159
MENDICANTS—	
By-laws for restraining and punishing	161
MILITARY LANDS—	
Not to be interfered with by Municipalities without consent of Dominion Government.....	191
MINERALS—	
On Corporation lands may be sold or leased.....	202
Notice of sale or lease to be given	202
Rights sold or leased not to interfere with public travel	202

MISTAKES—	PAGE
In use of election forms not to invalid election	62
No action to be brought for mistakes in opening road allowances	193
MONEY—	
Council may borrow to meet current expenses	128
MONOPOLIES—	
Prohibited	91
MONUMENTS—	
By-laws for erecting to mark concessions, etc.	162
MUNICIPAL CORPORATION—	
Existing Corporations continued	4
" officers, by-laws, etc., continued	4
Names of	5
Incorporation of	5
Powers of, to be exercised by Council	5
Area of	6
See NEW CORPORATIONS.	
MUNICIPAL COUNCIL—	
<i>Conduct of Business.</i>	
Ordinary meetings to be held openly	75
Presiding officer may expel from, for improper conduct.....	75
What shall constitute a quorum	75
If Council consists of five, vote of three necessary to carry any resolution.....	75
The head of the Corporation to preside.....	75
Who to preside in case of death or absence of head.....	75, 76
Special meetings may be held openly or closed	75
The head of the Corporation may vote with the other members	76
Question voted on negatived in case of equality of votes	76
Meetings may be adjourned.....	76
<i>Election of Warden.</i>	
To be elected by members of County Council	73
Who to preside at	74
Who to have casting vote	74
<i>Jurisdiction of.</i>	
To exercise powers of the Corporation	5
Confined to the Municipality the Council represents	90
May make regulations which are not contrary to law for—	
(1) Governing the proceedings of the Council	90
(2) Conduct of its members	90
(3) Calling of special meetings.....	90
(4) Such others as the good of the inhabitants requires	90
May repeal, alter and amend by-laws except as restrained by law	90
May fix license fees for exercising trades, etc., when there is no power to regulate same	90
Monopolies prohibited	91
Special tax prohibited	91
Fee not exceeding \$1 may be charged for certificate of compliance with regulations	91
May grant ferry privileges, when	91
See BY-LAWS.	
<i>Meetings of (Ordinary).</i>	
First meeting of Municipal Council other than County Council, when to be held.	73
First meeting of County Council—	
When to be held.....	73
Where to be held	74
No business to be transacted until declarations of office and qualification have been made	7

MUNICIPAL COUNCIL—Continued.

PAGE

Where subsequent meetings of County Council and meetings of other Councils to be held.....	74
Meetings and business of County and Township Councils may be held and transacted in City, Town or Village	74
To be held openly	75

(Special.)

Head of Corporation may summon	75
When head of Corporation shall summon	75
Where to be held	75
May be held openly or closed	75

Members of.

In Counties	24
Certificates of election and qualification of Reeves and Deputy Reeves	24
In Cities	25
In Towns	25
In Incorporated Villages	26
In Townships	26
In Provisional Corporations	27
Qualification of	27
Persons disqualified	28
“ exempted	29
Term of office of	33
“ “ members elected to fill vacancies in	63
Vacancies in—	
By crime, insolvency, absence, etc.....	63
<i>Quo warranto</i> proceedings on omitting to vacate office after forfeiture.....	63
By resignation.....	63
Appointment of members to when election neglected	64
Contracts between members and Corporation to be void in action against Corporation	133

Remuneration of Members.

Of members of Township and County Councils	74
Of head of City, Town or Village Corporation	74

MUNICIPAL OFFICERS—

By-laws for appointing and removing.....	148-163
To be health officers	162
Powers of, as health officers may be delegated to a committee.....	162
No action to be brought against, for mistakes in opening road allowances.....	193
Salaries of officers—	
The Council shall settle same unless provided by statute	88
Of treasurer.....	80
Of solicitor	88
Of counsel	88
Costs of actions, recovery of, when salary paid to solicitor.....	88
Gratuity may be given after twenty years' service	88
Mode of appointment—	
Not by tender or to applicants at the lowest remuneration	88
Tenure of office—	
To hold office until removed by Council.....	88
Duties of officers—	
Those assigned by the Municipal Act.....	88
Those imposed by any other statute	88
By by-law of the Council	88
By-laws for regulating	148
Security—	
Bonds of guarantee companies may be accepted	88
By-laws for regulating	148
Embezzlement by	89
Stealing election papers.....	89

MUNICIPAL OFFICERS—Continued.

PAGE

Assessment Commissioner.

May be appointed in Cities	82
May appoint assessors and valuers	82
Commissioner, assessors and valuers to constitute a Board of Assessors	82
Tenure of office	82
Declaration of office, form of	86
Before whom to be made	87

Assessors and Collectors.

The Council of every City, Town, Incorporated Village and Township shall appoint	82
Not to be members of the Council	82
May be appointed for more than one ward	82
Collectors to make returns on oath of persons in default for payment of taxes on 15th December	82
Collectors in junior County to be collectors for the Townships of the provisional County	82
To pay over to provisional treasurer the money collected under by-law of provisional Council	82
Collectors and their sureties to be responsible to the union for the moneys so collected	83
The union to pay to the provisional treasurer the moneys belonging to the provisional County, less the costs of collection	83
In Cities Assessment Commissioner may appoint assessors	82
“ Council may limit number of collectors and prescribe their duties	82
Declaration of office	86
Before whom to be taken	87
Penalty for refusal to accept office or make the necessary declaration	87
Collectors to collect rates to pay executions against Municipal Corporations under precept of the Sheriff	133
To be officers of the Court for the purpose of carrying into effect provisions relating to executions	133

Auditors and Audit.

To auditors to be appointed by Council at first meeting	83
One shall be nominated by the head of the Council	83
Persons disqualified as auditor	83
Duties of auditor	83
To make abstract of receipts, etc.	83
To make out and file in office of the Clerk, a statement of receipts, expenditure, etc.	83
Statement may be inspected in Clerk's office	83
Auditors' abstract to be published	84
The statement to be published in such form as the Council directs	84
Clerk of a minor municipality shall transmit a copy of abstract and statement to County Clerk	84
Clerk to make return to Provincial Secretary	84
Penalty for neglect	84
Final audit to be made on report of the auditors	84
County Council shall have the regulation of money to be paid by County Treasurer	84
Audit of accounts in Cities and Towns, when	84
In other Municipalities	84
In Toronto	84
Vacancies provided for	84
Audit of all accounts before payment may be required	84
Monthly audit	85
Annual audit	85
Auditors' declaration of office, form of	86
Appointment of members of Board of Audit	182
Payment of members	182

MUNICIPAL OFFICERS—Continued.

PAGE

Board of Assessors.

In Cities—Commissioners, assessors and valutors to constitute 82

Engineers.

By-laws for appointing 163, 180

Fence Viewers.

By-laws for appointment and removal of 148

Game Inspectors.

By-laws for appointment and removal of 148

Inspectors of House of Industry.

By-laws for appointing 180

Overseers of Highways.

By-laws for appointment and removal of 148

Pound Keepers.

By-laws for appointment and removal of 148

Road Commissioner.

By-laws for appointment and removal of 148

Road Surveyors.

By-laws for appointment and removal of 148

Surgeons of the Gaol.

By-laws for appointing 163

Surveyors.

By-laws for appointing 180

The Clerk.

To enter names of persons adjudged guilty of corrupt practices 72

Every Council shall appoint 77

Duties of 77

Provision for absence, etc., of Clerk 77

Minutes of Council, documents, etc., in possession of Clerk to be open for inspection 78

Copies to be furnished, if required 78

Fees for same 78

To make yearly return of number of resident ratepayers to Provincial Treasurer 78

Penalty for default 78

To be verified on oath 78

Form of oath 78

To make a yearly return to the County Clerk 78

Penalty for neglect 78

What return shall shew 78

County Clerk shall make a yearly return to the Provincial Secretary 79

What return shall contain 80

Clerk of every City and Town shall make a similar return 80

Returns to be laid before the Legislature at commencement of each Session... 80

Moneys payable to Municipality to be retained if returns not made 80

List of persons in default for payment of taxes to be transmitted to 81

Clerk of minor Municipality to transmit to County Clerk abstract and statement of auditors 84

Clerk to make return respecting the audit to Provincial Secretary 84

MUNICIPAL OFFICERS—Continued.

	PAGE
Penalty for neglect.....	84
Declaration of office, form of	86
Before whom to be made	87
May administer oaths and declarations	87
Penalty for neglect.....	87
To sign by-laws	91
To furnish certified copies of by-laws	92
By-law requiring assent of Lieutenant-Governor, to verify facts recited in by solemn declaration	92
To sign notice to be appended to by-law	93
Voting on by-laws—	
To print ballot papers for voting on by-laws.....	93
To sum up the voters.....	94
To give certificate to entitle Deputy Returning Officers, Poll Clerks and Agents to vote where engaged	95
To furnish voters' lists	95
Duties of, when Municipality not divided into wards.....	95
To cast up votes and declare the result	101
To certify the result to the Council.....	101
Not to have casting vote, when	101
To certify respecting by-laws which require the assent of two-fifths of ratepayers.....	101
To maintain secrecy of the proceedings	101
To attend before County Judge with ballot papers on scrutiny	103
To register by-laws requiring registration.....	111
Copy of award to be filed with.....	124
Evidence and documents to be filed with, by arbitrators.....	125
To keep a Debenture Registry Book	128
To give certificates of ownership of debentures.....	128
And enter transfers	128
To be an officer of the Court for the purpose of carrying into effect provisions respecting execution	133
To act as Clerk of Police Court if no other person appointed	135
Fees for so doing.....	135
To act as Deputy Returning Officer when vote on by-law for local improve- ments	218
County Clerk to act as Returning Officer	218
Clerk of Township to furnish list of voters for election of Police Village Trustees	234
See ELECTIONS.	

The Head.

Remuneration of.....	74
Of County	76
Of Provisional Corporation	76
Of City and Town	77
Of Township and incorporated Village	77
To issue writs for new elections, when	62
To preside at meetings of Council	75
May and when shall call special meetings.....	75
May expel from meetings of Council for improper conduct	75
On death or absence of, who to preside.....	75
May vote with the other members of Council	76
Duties of	77
To nominate one Auditor.....	83
May administer oaths and declarations	87
To sign by-laws	91
May appoint arbitrators if authorized by by-law.....	121
Notice of appointment of arbitrator to be given to.....	121
To appoint an arbitrator, if authorized by by-law, to ascertain compensation to be paid for real property taken or injured	122
To sign debentures.....	126
To be a Justice of the Peace <i>ex officio</i>	129

MUNICIPAL OFFICERS—Continued.

PAGE

- To be a director of gas, water and railway companies in which Corporation holds stock in certain cases..... 160, 231
 May administer oaths in investigations with respect to roads, etc. 193

The Treasurer.

- On the section of a new Municipality to prepare lists of lands in arrear for taxes 12
 Cannot be a member of the Council 28
 To prepare and verify on oath list of defaulters in payment of taxes on or before nomination day 42
 To pay election expenses 62
 Every Council shall appoint 80
 Mode of payment 80
 Security required 80
 Annual enquiry to be made as to sufficiency of security..... 80
 Duties of 81
 Limitation of his liability 81
 Death of County Treasurer provided for 81
 To make statements of assets each half year..... 81
 To transmit to Clerk list of persons in default for payment of taxes 81
 If Treasurer is dismissed or absconds successor may draw moneys 81
 Declaration of office—
 Form of 86
 Before whom to be made 87
 To make annual returns of Municipality indebted to the Consolidated Municipal Loan Fund 119
 Penalty for default..... 120
 Annual returns to be made respecting finance to Lieutenant-Governor in Council..... 120
 Penalty for default..... 120
 Demand of costs of commissioner who has enquired into finances to be made at office of..... 121
 To see that money collected under by-law applied in payment of the debentures 126
 Copy of execution and endorsement, with statement of amount required, to be given to 133
 Surplus (if any) to be paid to, by Sheriff 133
 Of Township to pay moneys on order of Trustees of Police Village..... 236

Trustees of Police Villages.

See POLICE VILLAGES.

Valuators.

- May be appointed by Assessment Commissioner 82
 County Council may appoint 85
 Duties of 85
 Declaration of office, form of 86
 Before whom to be made 87
 By-laws for appointment and removal of 148

MUTUAL INSURANCE COMPANIES—

- When Town Hall of Township is situate in a Town or Village, meetings of may be held at..... 185

NEW CORPORATIONS—*City.*

- Town may be erected into, when and how 10
 Mode of adjustment of existing County debts on Town being made a City.... 10
 Limits of 11
 Wards 11
 New division into wards 11
 Enlargement of area of when added territory belongs to another County 11

NEW CORPORATIONS—Continued.

PAGE

County.

May be formed by proclamation	16
Seniority of united Counties	17
Application of laws to united Counties	17
And see <i>Provisional County.</i>	

Police Village.

May be erected, when and how	232
------------------------------------	-----

Provisional County.

Junior County may be separated from union and formed into, by proclamation.	17
Reeves and Deputy Reeves of junior County to be a provisional Council	17
Who to preside	17
Appointment of provisional officers and terms of office	18
May acquire land and erect County buildings	18
Powers of provisional Council	18
Mode of adjusting and dividing the liabilities and property of the union	18
No member of provisional Council to vote or take part in Council of union on questions relating to such adjustment	18
Appointment of Judge, Sheriff, etc.	19
Final separation of provisional County	19
Property, how divided upon final separation	19
Officers, property, etc., of provisional Corporation to be the officers, property, etc., of the new Corporation.....	19
Legal process, execution of, after dissolution	19
Pending actions and indictments, place of trial and venue may be changed ...	20
Otherwise to be tried in senior County	20
Trials of prisoners in custody, where	20
Courts of junior County to be held at County Town	21

Town.

Village may be erected into	10
When and how	11
Limits of	11
Wards	11
New division into wards	11
Enlargement of area of.....	11
When added territory belongs to another County	11
May by by-law of Council withdraw from County	12
When, and conditions of withdrawal.....	12
May re-unite with County, when and how	13

Township.

Outside an incorporated County may be annexed by proclamation to an ad- jacent incorporated County	14
Junior Township may be separated from union, when and how	14
Mode of disposition of property upon a dissolution of a union.....	15
Within an incorporated County, to be annexed to some adjacent Township or union of Townships, how	15
Unincorporated Townships may be united and formed into unions, how	16
Seniority of united Townships to be designated by the proclamation or by-law.	16
Operation of by-law uniting Townships in adjacent Counties to cease on dis- solution of the union of Counties	16

Village.

To be erected by County Council, when and how	6
Area of.....	6
Dissolution of property and payment of debts.....	6, 7
When it lies within two or more Counties to be annexed by the Councils to one of them.....	7
Mode of procuring such annexation	7

NEW CORPORATIONS—Continued.		PAGE
Mode of adjusting and collecting the amount of the County liabilities to be borne by the Village	7	
If the Councils do not agree respecting such adjustment the incorporation may be annulled, when and how	8	
Additions of area to Villages, when and how made	8	
Reducing area of villages, when and how made	8	
<i>Effect of formation of New Corporation.</i>		
By-laws to continue in force until altered by new Corporation	21	
When territory added to Municipality, by-laws (except those relating to roads and streets of Municipality from which territory taken) cease and by-laws of Municipality to which it is added apply	21	
Liability of new Corporation for debts	21	
Provision for payment of debts when territory added to Municipality	21	
Debentures to be issued by senior County or Township for debts incurred before dissolution, and are to bind old and new Municipal ties	22	
Assessments for year preceding dissolution	22	
Special rates to be collected and paid over to senior Municipality	22	
If junior County pays more than its share of the liabilities of the union, may recover excess from senior County	22	
Former Council and officers to exercise jurisdiction until new ones appointed. Public officers of the union to be public officers of the senior County or Township	23	
Sureties to remain liable	23	
Voters at first election	32	
When incorporation to take effect	33	
On separation of a union of Counties, rules and regulations respecting Court House and Gaol to apply to junior County	143	
NOISES—		
By-laws for preventing	167	
NOMINATION—		
See ELECTIONS.		
NON-COMPLIANCE WITH RULES—		
Not to avoid election	62	
NOTICES—		
By-laws for preventing the defacing of property by ..	160	
NUISANCES—		
By-laws for preventing and abating	167	
Regulations of Police Village respecting	238	
NUMBERING OF HOUSES—		
By-laws to provide for	170	
OATHS—		
Who may administer	87	
To be subscribed by deponent	87	
Persons administering, to certify and subscribe same	87	
To be deposited with Clerk	87	
Of police officers	187	
Of voter on by-law for local improvements	218	
Head of Corporation may administer, in disputes with respect to roads, etc. .	193	
See ELECTIONS.		
OBJECTIONS TO BY-LAWS—		
By ratepayers, when and how made	92	

INDEX.

321

OFFENCES AND PENALTIES—

	PAGE
For refusing to serve as a special constable	36
For neglecting to furnish ballot boxes	43
For neglecting to give certificate with respect to assessment roll	46
For voting more than once when such prohibited	48
For receiving vote of elector who has refused to swear or to affirm	50
Relating to ballot papers	50
For contravention of Sections 118 to 166	60
For bribery by candidates	60
For corrupt practices	71
For undue influence	71
Recovery of	71
For non-attendance of witness	71
Limitation of proceedings for penalties under Sections 207 and 208	72
After prosecution of person jointly liable	72
For neglecting to make yearly returns of number of resident ratepayers to Provincial Treasurer	72
For neglecting to make yearly returns to County Clerk	78
For neglecting to make returns respecting the audit of accounts to Provincial Secretary	78
For refusing to accept office	84
" to make declarations of qualification and office	87
" to administer declarations	87
Embezzlement by municipal officers	87
Stealing or destroying election papers, etc.	89
For contravention of section relating to secrecy at voting on by-laws	89
For neglect to make annual returns of Municipality indebted to the Consolidated Municipal Loan Fund	102
For neglect to make annual returns respecting finance to Lieutenant-Governor in Council	120
For acting as bankers	120
Recovery and enforcement of penalties	129
In default of payment, imprisonment	130
Whole or part of penalty may be awarded, with costs	130
To be levied by distress	130
In default of distress, imprisonment	131
How fines to be applied	131
For offences against by-law of Police Commissioners	131
How recovered	137
For light weight, etc.	137
Neglecting to keep roads in repair	177
For contravention of regulations of Police Village	188
For neglect of duty by Trustees of Police Village	237
See FINES AND PENALTIES.	239

OFFICERS—

See MUNICIPAL OFFICERS.

OFFICES—

To be provided for Courts of Justice	142
--	-----

OMNIBUSES—

Licensing of	136
By-laws for regulating and licensing	181, 182

ONTARIO MUNICIPALITIES FUND—

See INVESTMENT.

ORNAMENTAL TREES—

By-laws respecting	152
" for preventing destroying of	160

	PAGE
ORPHANS—	
Aid may be granted to, of persons killed at fires	169
Ovens—	
By-laws for regulating	169
Regulations of Police Villages respecting	237
OVERSEERS OF HIGHWAYS—	
By-laws for appointment and removal of	148
PARKS—	
By-laws for acquiring property for, and managing	179
“ for selling when no longer required	179
PARTY WALLS—	
By-laws for regulating the erection of	169
PEDLARS—	
By-laws for regulating and licensing	164
PENALTIES—	
See OFFENCES and PENALTIES.	
PIGGERIES—	
By-laws for preventing or regulating	167
PIPES—	
Regulations of Police Village respecting smoking of	237
PLACES OF WORSHIP—	
May be assessed for local improvements in certain cases	226
PLANS—	
To be registered in certain cases	185
Expenses of registration	185
For local improvements	204, 211
POLICE—	
In Cities and Towns having Police Commissioners, shall consist of chief constable, and as many constables and officers as Council deems necessary.	137
Not to be less in number than Board reports to be necessary	137
Not to affect any special Act	137
To hold office at pleasure of Board	137
Oath of office, form of	137
Regulations for government of	137
To be subject to the Board	138
Duties of police	138
Remuneration	138
Expenses of, for offices, etc.	138
In Towns in which there is no Board, Council shall appoint chief constable and one or more constables	138
In Villages, Council may appoint chief constable and one or more constables.	138
When arrest may be made without warrant for an alleged breach of the peace.	138
Suspension—	
Mayor or Police Magistrate may suspend, when	139
May report case to Council and recommend dismissal	139
Officer not to act during suspension	139
Except by verbal permission of Mayor	139
Not to be entitled to salary during suspension	139
By-laws for establishing, regulating and maintaining	179
“ for aiding and assisting superannuation and benefit funds	179

POLICE COMMISSIONERS—

PAGE

Board of, constituted for every City	136
Council of Town may constitute Board	136
And may dissolve Board and afterwards exercise powers of Board	136, 138
Who to be members of	136
Shall have power to summon and examine witnesses on oath	136
Majority to constitute a quorum	136
In Cities, meetings of, to be public, unless otherwise ordered by Board	136
Powers of, licensing cabs, etc.	136
Shall make by-laws for such purpose	136
How by-laws are to be authenticated and proved	136
May be enforced by penalties	137
How penalties recovered	137
In cities in which there is no Board, Council may exercise powers of	136
Police to hold office at pleasure of	137
To make regulations for government of police force	137
Police to be subject to	138

POLICE COURT—

To be held daily in Cities and Towns	134
Except on holidays	135
Who shall preside	134
Clerk may be appointed	135
Otherwise Municipal Clerk to perform duties of Clerk	135

POLICE MAGISTRATE—

In Cities and Towns to hold Court daily	134
Except on holidays	135
Provision in case of absence of	134
Fees and salary of	135
Not to be reduced by Council without sanction of Lieutenant-Governor in Council	135
Need not act in cases arising outside the limits of the Corporation	135
To be a Police Commissioner	136

POLICE OFFICE—

One to be established in every City and Town	134
--	-----

POLICE VILLAGES—

Existing, continued	232
---------------------------	-----

Trustees.

Existing trustees continued	233
To to be three in number	233
Who qualified to be	233
Term of office	235
Vacancies, how filled	235
Inspecting trustee may be appointed	235
To take oaths of office and qualification	236
Penalty for refusal	87
When first meeting to be held	236
Moneys required by, to be levied by Township Council	236
Not to exceed one cent in the dollar	236
When Village in two Townships, proportionate part to be levied in each	236
Township Treasurer to pay moneys on order of	236
Orders to be given for work performed only	236
To be health officers	236
May execute and enforce regulations	237
Penalty for neglect of duty by	239

Electors.

Qualification of	233
------------------------	-----

POLICE VILLAGES—*Continued.*

PAGE

Election.

Place for holding.....	233
Not to be held in tavern	233
Nomination	233
Provision for nomination day being Christmas day.....	233
Who to preside	234
Proceedings at.....	234

Poll.

Time and place of holding.....	234
Notice of persons proposed to be posted up	234
List of voters to be furnished by Township Clerk	234
Proceedings at.....	234
Returning Officer to have casting vote	235
Powers of Returning and Deputy Returning Officers	235
Ballot boxes to be returned to Township Clerk.....	235

Regulations.

For providing ladders to houses	237
“ fire buckets.....	237
Ovens and furnaces, how to be constructed	237
Stovepipes not to be passed through wooden floors except with space of four inches	237
Lights in stables, etc., to be properly enclosed	237
Lighted pipes and cigars, persons not enter stables, etc., with	237
Fires in wooden buildings to be properly protected.....	237
Fire carried through streets, etc., to be properly protected	237
Not to be lighted in streets	238
Hay, straw and fodder not to be placed in dwelling-house.....	238
Ashes, lime, etc., how to be kept	238
Charcoal furnaces not to be erected.....	238
Gunpowder, how to be kept.....	238
Not to be sold at night	238
Nuisances prohibited	238
Penalties for default	237, 238
Who to sue for	238
Before whom, and mode of recovery	239
Prosecutions for, to be commenced within ten days after offence committed	239

POLL—

See BY-LAWS, ELECTIONS and POLICE VILLAGE.

POLLING PLACES—

By-laws for establishing.....	156
-------------------------------	-----

POLLING SUBDIVISIONS—

By-laws for dividing Municipality into	156
--	-----

POOR PERSONS—

By-laws for aiding	150
--------------------------	-----

POSSE COMITATUS—

Mayor may call out, when	146
--------------------------------	-----

POUND-KEEPERS—

By-laws for appointment and removal of	148
--	-----

POUNDS—

By-laws respecting	162
--------------------------	-----

	PAGE
PRISONERS—	
Expenses of conveying to Gaol and Lock-up.....	145
PAVING VAULTS—	
By-laws for preventing or regulating	167
“ for regulating construction of	171
“ for draining of	171
PRODUCTION OF DOCUMENTS—	
By Municipal Clerk	60
For the purposes of <i>quo warranto</i> proceedings	67
By Clerk, for inspection	78
PROFESSIONS—	
Regulation of, license fees	90
PROPERTY—	
By-laws for obtaining and disposing of	148
“ for preventing the destroying of	160
“ for acquiring for exhibitions, etc.	179
“ for selling when no longer required.....	179
“ by Township for acquiring or erecting a Town Hall	184
PROVISIONS—	
By-laws for regulating the sale of	177
PROVINCIAL SECRETARY—	
Yearly returns to be made to, by County Clerk	79
And by Clerks of Cities and Towns.....	80
Returns to be laid before Legislature.....	80
“ respecting the audit of accounts to be made to	84
PROVINCIAL TREASURER—	
Yearly returns to be made to, by Clerk of every City, Town, Village and Township	78
To retain moneys payable to Municipality in default in making returns.....	80
PROVISIONAL COUNTY—	
Name of	5
See NEW CORPORATIONS.	
PUBLIC BUILDINGS—	
By-laws for regulating doors, etc., of.....	151
PUBLIC FAIRS—	
By-laws for authorizing the holding of	165
PURCHASE MONEY—	
Of lands taken by Corporation, application of	155
To be subject to same charges as those to which property was subject	155
QUALIFICATION—	
<i>Of Members of Municipal Council.</i>	
See the several MEMBERS OF COUNCIL AND MUNICIPAL OFFICERS.	
In case of new Townships for which there is no assessment roll	28
In case only one person qualified for each seat in the Council, no qualification beyond that of an elector	28
Persons disqualified	28
Persons exempted from serving	29
Declaration of, form	85
Form of, which may be taken by Reeve, Deputy Reeve or Councillor of any Township	86

QUALIFICATION—Continued.

PAGE

Of Electors.

Freeholders	30
Householders and tenants.....	30
Income voters	30
Farmers' sons	30
Necessary amount of rating	31
Persons whose taxes are in arrear	31
Voters' name must appear in voters' list, except in case of new Municipality for which there is no assessment roll	31
If name so appears, no question of qualification to be raised at the poll.....	32
In new Municipalities in which there is no assessment roll	32
If owner and occupant be rated severally, both shall be deemed rated	32
When two or more are rated jointly, who to vote	32
In Police Village.....	233
Of trustees of Police Village.....	233

QUASHING BY-LAWS—

Notice of intention to apply to quash by-law for local improvements to be given to Clerk within ten days after final passing of the by-law	209
By-law valid if no notice given	209
If part quashed, the rest to be valid	209
If quashed wholly or in part, new assessment may be made	224
See BY-LAWS.	

QUAYS—

Belonging to Dominion, not to be interfered with without consent of Dominion Government	191
---	-----

QUORUM—

See MUNICIPAL COUNCIL.

QUO WARRANTO PROCEEDINGS—

See CONTROVERTED ELECTIONS.	
Proceedings by, on member of Municipal Council omitting to vacate seat after forfeiture	63

RACING—

By-laws for preventing	150, 161
------------------------------	----------

RAILWAYS—

By-laws for aiding by subscription for stock in, or lending money to, or guaranteeing payment of money by	230
For guaranteeing payment of debentures by.....	231
For levying a rate for payment	231
For issuing debentures in aid of	231
For granting bonuses to.....	231
Issuing debentures to meet bonuses	231
Form of debentures	231
Assent of electors necessary	231
Head of Corporation to be a director <i>ex officio</i> in certain cases.....	231
By-laws for authorizing the building of railways or tramways on Corporation property	231
Provisions of Acts passed prior to 5th March, 1880, for grouping Municipalities for granting aid to railways repealed.....	231

RATES—

See BY-LAWS, FINANCE, YEARLY RATES.

RE-COUNT—

See ELECTIONS.

REEVE AND DEPUTY REEVE—	PAGE
To be members of County Council	24
To file certificate of election and qualification with County Clerk	24
Form of, for Reeve.....	24
" " Deputy Reeve	25
Of Municipalities in junior County, to be members of Provisional Council....	27
Property qualification of	27
May resign, when and how	63
Remuneration of.....	74
Reeve to be head of Township and Incorporated Village	77
Declaration of qualification	86
" office	86
Before whom to be made	87
May administer oaths and declarations	87
Penalty for refusing to accept office or to make the necessary declarations or to administer oaths or declarations.....	87
Reeve to be a Justice of the Peace <i>ex officio</i>	129
After having taken oath as Reeve no other qualification necessary as Justice..	130
 REGISTRAR—	
Appointment of for junior County	19
 REGISTRATION—	
See BY-LAWS	111
Of award, if it relates to drainage works	124
Of debentures	128
Of by-laws changing names of streets.....	128
Of plans	185
 REGULATIONS—	
For government of police force, may be made and enforced by Trustees of Police Village	237
 REMUNERATION—	
Of members of County and Township Councils	74
Of the head of County, City, Town, and Incorporated Village.....	74
Of Municipal officers	88
Of Treasurer	80
Of Solicitor and Counsel	88
Gratuity may be given to Municipal officer after twenty years' service	88
Of police	138
Of gaoler	142
 REPORT—	
Annual, respecting finance, to be made to Lieutenant-Governor in Council ...	120
 REPEAL—	
Of provisions of Acts passed prior to 5th March, 1880, for grouping Muni- cipalities for granting aid to railways..	231
Acts inconsistent repealed.....	240
Exceptions from repeal	239, 240
 RESERVOIRS—	
By-laws for establishing, etc.....	167
 RETURNING OFFICERS—	
See BY-LAWS and ELECTIONS.	
 RETURNS—	
Yearly returns to be made by the Clerk of every City, Town, Village and Township to the Provincial Treasurer	78
Yearly returns to be made to County Clerk by the Clerk of every Township, Village and Town	78

RETURN— <i>Continued.</i>	PAGE
Yearly returns to be made by County Clerk to Provincial Secretary	79
And by Clerks of Cities and Towns.....	80
Returns to be laid before the Legislature	80
If not made, moneys payable to Municipality in default to be retained	80
Annual, by Municipality indebted to the Consolidated Municipal Loan Fund to be made to Provincial Treasurer.....	120
 REWARDS—	
May be offered for apprehension of criminals	153
May be offered for conviction of persons guilty of horse stealing.....	163
May be granted to persons distinguishing themselves at fires	169
 RIDING—	
By-laws for regulating	150
“ for preventing riding on cars, etc., by children	172
 RIOTS—	
Interruption of elections by.....	56
 RIVERS—	
By-laws respecting	148
 ROAD COMMISSIONERS—	
By-laws for appointment and removal of	148
 ROAD COMPANIES—	
By-laws for aiding	150
“ for granting privileges to	195
 ROADS—	
By-laws for preventing obstructions to	170
What to be deemed highways	186
Freehold in Crown.....	187
Jurisdiction of Municipal Council over	187
Possession to be in Municipality.....	187
By-laws for acquiring land to widen	187
“ for opening or stopping up and acquiring lands therefor.....	194
“ “ “ “ “ “ “ on railway lands.....	194
“ for selling certain road allowances	195
“ for searching for and taking materials for repairing	195
When road substituted for original allowance without compensation, if person whose land is taken has land adjoining original road allowance, to be entitled to it.....	196
When person whose land is taken has no land adjoining original allowance ..	196
Possession of unopened road to be deemed legal until by-law opening it	196
Person in possession to receive notice before passing of by-law	196
By-laws for aiding adjoining Municipalities to open and maintain roads, etc... 197	
“ granting aid to County for making new roads	197
“ for stopping up and sale of road allowances	199-201
“ for opening and altering.....	199
“ by County for aiding Municipalities within County in making, etc... 200	
“ for requiring the opening or repair of County roads in local Municipalities	201
“ by Townships for aiding County and adjoining County in making, etc. 201	
In incorporated Village or Hamlet original road allowance may be stopped up and sold	202
When and how	202
When Village or Hamlet in two Townships	203
Earth obtained in making local improvements may be spread on roads	216
And paid out of general funds of Municipality.....	216
On making ditches along road allowances the road may be made and paid for out of general funds of the Municipality	216
See HIGHWAYS.	

	PAGE
ROAD SURVEYORS—	
By-laws for appointment and removal of	148
ROGUES—	
May be sent to House of Correction	142
RUNNERS—	
By-laws for regulating	177
SALARIES—	
See REMUNERATION.	
SAND—	
By-laws for preserving or selling, on road allowances.....	195
SCHOOLS—	
Loans may be made to school trustees	119
Aid may be granted to poor school sections	119
By-laws for obtaining property for use of	157
" for support of	157
" for acquiring lands for and aiding High Schools	165
SCHOLARSHIPS—	
By-laws for endowment of	165
SCRUTINY—	
After voting on by-laws, may be obtained on petition to County Judge.....	102
Proceedings	103
SCUTTLES IN ROOF—	
By-laws to compel the erection of	169
SECRECY—	
To be maintained at elections	61
" " at voting on by-laws	101
SECURITY—	
Bonds of guarantee companies may be accepted	88
SEWERS AND SEWERAGE—	
By-laws respecting	148
" for opening, making, etc.	151
" for making regulations respecting.....	172
" for charging rent for	172
" for acquiring land in another Municipality for purposes of	172
SHERIFF—	
Writs for new elections to be issued to, when	67
Duties of, on receipt of writ of execution against a Municipal Corporation.....	133
To receive into the Gaol and House of Correction persons committed from City	
or Town	140
To have care of Gaol.....	142
And appointment of keepers.....	142
Appointment and dismissal of keepers to be subject to approval of Lieu-	
tenant-Governor	142
SHINGLES—	
By-laws for regulating measurement of	177
SHOWS—	
By-laws respecting	159

	PAGE
SIDEWALKS—	
By-laws for preventing driving on	168
“ for removing snow, etc., from	170
Private owners may be permitted to make and improve.....	223
SIGNS—	
By-laws for preventing the destroying of	160
SINKING FUND ACCOUNT—	
To be kept	117
SINKS—	
By-laws for regulating the construction of.....	171
SLAUGHTER HOUSES—	
By-laws for preventing or regulating	167
SLIPS—	
By-laws respecting	148
SMOKE—	
By-laws to compel the consumption of	169
SNOW—	
By-laws to compel the removal of	170
SNOW FENCES—	
By-laws respecting	158
SNOW ROADS—	
By-laws for keeping double tracks open in	200
SPECIAL CONSTABLES—	
See ELECTIONS.	
SPECIAL MEETINGS—	
See MUNICIPAL COUNCIL.	
SPECIAL RATE ACCOUNT—	
To be kept	117
SPECIAL TAX—	
Prohibited	91
SQUARES—	
See STREETS.	
STAIRS—	
By-laws for regulating the size and structure of, in public buildings	150
STATUTE LABOUR—	
By-laws for commuting	184
“ regulating and enforcing	184
“ measuring or reducing number of days of, or abolishing	184
STATUTES—	
Certain statutes not affected.....	145
STEALING—	
Of election papers, etc.	89

STONE—	PAGE
By-laws for preserving or selling, on road allowances.....	195
STOVEPIPES—	
Regulations of Police Village respecting	237
STOVES—	
By-laws for regulating	169
STREAMS—	
By-laws for preventing and removing obstructions	185
“ “ levying expense of clearing obstructions	185
“ “ imposing penalties for obstructions	185
When streams cleared to town-line of another Township, notice may be given, and that Township shall clear it within six months.....	185
See LOCAL IMPROVEMENTS.	
STREETS—	
By-laws to prevent throwing of dirt, etc., into.....	159
“ “ for clearing of	170
“ “ preventing obstructions to	170
“ “ naming and changing names of	171
By-law changing name to be registered	171
“ “ for regulating the user of	172
“ “ “ sale of articles in	177
Possession of in Municipality	187
By-laws for granting aid to adjoining Municipality to open and maintain	197
Earth obtained in making local improvements may be spread on.....	216
And paid for out of general funds of Municipality	216
By-laws for sweeping, lighting, watering	228
SUMMARY RELIEF—	
For non-compliance with by-laws	154
SURGEONS OF GAOL—	
By-laws for appointment of	163
SURPLUS—	
See FINANCE	118
SURVEYOR—	
By-laws for appointing one for Corporation	180
SURVEYS	
By-laws for providing for	161
Costs of.....	162
SWEARING	
By-laws for preventing	161
SWINE—	
By-laws for preventing or regulating the keeping of	167
TAINTED PROVISIONS—	
By-laws for seizing and destroying	167
TANNERIES—	
By-laws for preventing or regulating	167
TAVERNS—	
By-laws respecting frequenters of	146

Tax—	PAGE
Special, prohibited	91
Taxes—	
Collection of arrears upon lands situate in newly-incorporated Town	12
Lot advertised for sale not to be included in list of lands in arrear	12
Assessments for year preceding dissolution of unions	22
Collection of special rates after such dissolution	22
List of persons in arrear to be furnished by Treasurer on or before nomination day	42
Copies may be obtained	42
Copies of lists to be furnished to Deputy Returning Officers, and to be evidence of non-payment of taxes	46
In Cities, Council may require taxes to be paid by a given day, and in default impose an additional percentage	82
By-laws for disqualifying electors who have not paid their taxes before 14th December	156
For local improvements not to be paid by tenant under an agreement to pay taxes unless expressly mentioned	205
TELEGRAPH POLES—	
By-laws for regulating erection and maintenance of	172
TEMPERANCE—	
By-laws to enforce	153
TENDER OF AMENDS—	
Council may make, on claim being made or action brought	106, 134
TIME—	
Holidays excluded in computing, when	62
TIMBER—	
By-laws for preventing the obstruction of streams by	185
“ preserving or selling on road allowances	195
TIRES—	
By-laws for regulating the width of	172, 182
TOLLS—	
By-laws for raising money by, on bridges, roads, etc	194
“ for granting the right to collect, for not longer than twenty-one years	195
TORONTO—	
Appointment of auditors in City of	84
Vacancies provided for	84
Provisions relating to audit	84
TOWN HALL—	
Township may acquire or rent in Town or Village	184
“ and other meetings may be held at	184
Notices may be posted at	184
TOWNS—	
Liability of, for maintenance of Court House and Gaol	143
See NEW CORPORATIONS.	
TOWNSHIPS—	
See NEW CORPORATIONS.	
TRADES—	
By-laws for fixing license fees for exercising	90

TRAMWAYS—	PAGE
By-laws for authorizing building of.....	231
TRANSIENT TRADERS—	
By-laws for licensing and regulating	157
TRAVELLERS—	
By-laws for preventing importuning	168
TREASURER—	
See MUNICIPAL OFFICERS.	
TREES—	
By-laws respecting	152
“ for encouraging the planting of	160, 202
“ for clearing highways of.....	202
TRUSTEES—	
Of Police Village	233
See SCHOOLS.	
UNDUE INFLUENCE—	
See CORRUPT PRACTICES.	
UNIONS—	
Of Counties.	
Seniority of, how regulated	17
Application of laws to	17
Provisional separation of	17
Mode of adjusting and dividing liabilities and property of union.....	18
Final separation of.....	19
Improvements may be made by the individual Counties.....	182
Reeves and Deputy Reeves of Counties interested alone to vote	183
Warden to have casting vote.....	183
General provisions for borrowing money to apply	183
Treasurer to pay over moneys without deduction or percentage	183
Property in the County interested alone to be assessed	183
Debentures of County interested to be issued and to bind it as if it were a separate Municipality.....	183
Of Townships.	
See NEW CORPORATIONS.	
UNMARRIED WOMEN—	
May vote on by-laws if qualified	97
UNUSUAL NOISES—	
By-laws for preventing	167
VACANT LOTS—	
By-laws for the enclosure of	168
“ for the clearing, draining, etc., of.....	171
VAGABONDS—	
May be sent to House of Correction	142
VAGRANTS—	
May be sent to House of Correction	141
“ “ of Industry.....	146
By-laws for restraining and punishing	161
VALUATORS—	
Appointment of	82

VEGETABLES—	
By-laws respecting sale of	PAGE 177
VEHICLES—	
By-laws for regulating and licensing	181, 182
VESSELS—	
By-laws for regulating, in harbours.....	149
VICE—	
By-laws for preventing	161
VICTUALLING HOUSES—	
By-laws for limiting and regulating.....	156
“ for licensing	157
VILLAGES—	
By-laws for stopping up and sale of original road allowances in	202
See NEW CORPORATIONS.	
VOTERS' AND DEFAULTERS' <u>LISTS</u> — <i>see S. of O. 1885 cap 3.</i>	
See ELECTIONS.	
Voting of by-laws	95
VOTERS—	
See ELECTIONS.	
VOTES—	
To be by ballot	41
Counting of.....	53
Re-count	57
WARDEN—	
One of the Reeves or Deputy Reeves to be	24
May resign, when	63
Election of	73
Who to preside at	74
Who to have casting vote	74
Remuneration of.....	74
May and when, shall call special meeting of Council	75
To be head of County and provisional County.....	76
To be a Justice of the Peace <i>ex officio</i>	129
After having taken declarations of qualification and office no other declaration necessary as Justice	130
WARDS—	
New division of Cities and Towns into	11
Existing wards on dissolution of union of Township to cease	34
Division of Townships into	34
WALKS—	
By-laws for acquiring property for, and managing	179
“ for selling when no longer required.....	179
“ for acquiring.....	187
WATER—	
By-laws respecting	148
Council may contract for supply of.....	153
By-laws for preventing laying down of pipes.....	160
“ for aiding water companies	160
Assent of electors required	160
Head of Corporation to be a director in company in certain cases	160

	PAGE
WATER COURSES—	
By-laws for opening, making, etc.	150
By-laws to prevent obstructions to, etc.	159, 185
See LOCAL IMPROVEMENTS.	
WATER WORKS—	
May be exempted from taxation	115
By-laws for construction of	167
“ for constructing and levying annual special rate for payment.....	180
Assent of electors required	180
Estimates, etc., to be published	180
To be passed within three months after poll.....	180
If rejected, no other to be submitted within the current year	180
Not to affect provisions of any special Act.....	181
By-laws for fixing price to offer for works or stock of company incorporated for the Municipality	180
Not to collect water rates until this be done.....	180
Differences to be referred to arbitration.....	180
WAX WORK EXHIBITIONS—	
By-laws for preventing or regulating and licensing	159
WEEDS—	
By-laws to prevent growth of	159
WELLS—	
By-laws for establishing public works.....	167
WET LANDS—	
Council may purchase, drain and dispose of	152
WHARVES—	
By-laws relating to.....	148
Belonging to Dominion, not to be interfered with without consent of Dominion Government	191
WHEELS—	
By-laws for regulating the width of.....	172
WIDOWS—	
May vote on by-laws if qualified	97
Aid may be granted to, of persons killed at fires.....	169
WITNESSES—	
Bound to attend on Judge's order	72
Not excused from answering on grounds of self-crimination	72
Such answer not to be used against witness	72
On prosecutions for offences against by-laws—	
Complainant competent witness	131
Also wife or husband.....	131
Compellable to give evidence.....	131
Ratepayers, municipal officers, etc., not incompetent witnesses	131
Receiving award for apprehension of persons guilty of horse stealing not to disqualify	163
WOMEN (UNMARRIED)—	
May vote on by-laws if qualified.....	97
WOOD—	
By-laws for regulating the mode of measuring, etc.....	177
WOODEN BUILDINGS—	
By-laws for regulating the erection of	179

WOODEN FENCES—	PAGE
By-laws for regulating or preventing the erection of	179
WORKS—	
By-laws for entering into municipal work jointly with another Municipality..	197
WORKHOUSE—	
Council of City and Town may establish.....	141
May pass by-laws to regulate the government of	141
Who may be committed to	141
By whom may be committed	141
YARDS—	
By-laws for cleaning, draining, etc.....	171
YEARLY RATES—	
See BY-LAWS	113

PAGE
..... 179

ity.. 197

..... 141
..... 141
..... 141
..... 141

..... 171

.... 113